

Presidential Documents

Title 3—THE PRESIDENT

Executive Order 11202

PERMITTING STUDENT TRAINEES TO BE GIVEN CAREER OR CAREER-CONDITIONAL APPOINTMENTS

By virtue of the authority vested in me by Section 2 of the Civil Service Act (22 Stat. 403) and Section 1753 of the Revised Statutes (5 U.S.C. 631), and as President of the United States, it is hereby ordered as follows:

SECTION 1. The appointment of an employee occupying a Student Trainee position in a shortage occupation that is excepted from the competitive service under Schedule B of the Civil Service Rules shall be converted to a career-conditional or career appointment if he:

- (1) has successfully completed a preprofessional cooperative work-study program and has satisfied all applicable requirements leading to the award of a bachelor's degree;
- (2) has had a minimum of six months' work experience in the employing agency as a Student Trainee;
- (3) is recommended for such appointment by his employing agency; and
- (4) meets all other requirements and conditions prescribed by the Commission under Section 3 of this Order.

SEC. 2. As used in this Order, a cooperative work-study program is a program involving alternating periods of planned work experience and related study at an accredited college or university in either (1) a curriculum in which the work experience is a prerequisite to the award of a degree, or (2) a curriculum where formal arrangements are made with the college or university for selecting and retaining program participants and for scheduling and coordinating work experience and academic study.

SEC. 3. The Civil Service Commission shall prescribe such regulations as may be necessary to carry out the provisions of this Order.

LYNDON B. JOHNSON

THE WHITE HOUSE,
March 5, 1965.

[F.R. Doc. 65-2465; Filed, Mar. 5, 1965; 4:09 p.m.]

Rules and Regulations

ARTICLE I

Section 1. The purpose of this organization is to promote the welfare of its members and to advance the interests of the community in which it operates.

Section 2. The members of this organization shall be those persons who are interested in the welfare of the community and who are willing to contribute to the advancement of the same.

Section 3. The members of this organization shall be entitled to the same rights and privileges as are enjoyed by the members of similar organizations in other communities.

Section 4. The members of this organization shall be bound by the rules and regulations of the organization and shall be subject to the discipline of the same.

Section 5. The members of this organization shall be entitled to the same rights and privileges as are enjoyed by the members of similar organizations in other communities.

Section 6. The members of this organization shall be bound by the rules and regulations of the organization and shall be subject to the discipline of the same.

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Section 10. The members of this organization shall be bound by the rules and regulations of the organization and shall be subject to the discipline of the same.

Section 11. The members of this organization shall be entitled to the same rights and privileges as are enjoyed by the members of similar organizations in other communities.

Section 12. The members of this organization shall be bound by the rules and regulations of the organization and shall be subject to the discipline of the same.

Rules and Regulations

Title 7—AGRICULTURE

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Tree Nuts), Department of Agriculture

[Lemon Reg. 150, Amdt. 1]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

(a) Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910; 27 F.R. 8346), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001-1011) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restriction on the handling of lemons grown in California and Arizona.

(b) Order, as amended. The provisions in paragraph (b) (1) (i) and (ii) of § 910.450 (Lemon Regulation 150, 30 F.R. 2591) are hereby amended to read as follows:

§ 910.450 Lemon Regulation 150.

- (b) Order. (1)
(i) District 1: 16,740 cartons;
(ii) District 2: 218,550 cartons.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: March 4, 1965.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 65-2391; Filed, Mar. 8, 1965; 8:46 a.m.]

Chapter X—Consumer and Marketing Service (Marketing Agreements and Orders; Milk), Department of Agriculture

[Milk Order 30]

PART 1030—MILK IN CHICAGO, ILL., MARKETING AREA

Order Terminating Order, as Amended

Pursuant to the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), hereinafter referred to as the "Act", and of the order, as amended, regulating the handling of milk in the Chicago, Ill., marketing area (7 CFR Part 1030), it is hereby found and determined that:

(a) The terms and provisions of the order, as amended, and currently effective (Part 1030, Title 7, Code of Federal Regulations) do not tend to effectuate the declared policy of the Act.

Public hearings on proposed amendments to the order, as amended, were held on January 8-11, 1963, and May 23-29, 1963, pursuant to notices issued December 20, 1962 (27 F.R. 12773), April 15, 1963 (28 F.R. 3858) and April 30, 1963 (28 F.R. 4463).

On November 30, 1964, the Assistant Secretary issued a final decision (29 F.R. 16395) on the issues considered at the aforesaid hearings, including the complete terms and provisions of a proposed amended order. The decision contained a finding, based on the evidence presented at said hearings, that the terms and provisions of the proposed amended order will tend to effectuate the declared policy of the Act.

The Assistant Secretary, on November 30, 1964, issued an order (29 F.R. 16408) directing that a referendum be conducted among producers to determine whether they approve the issuance of the proposed amended order. On January 13, 1965, the Under Secretary issued a finding (30 F.R. 625) that less than two-thirds of the producers who participated in the said referendum favor the issuance of the proposed amended order. At the same time, the Under Secretary gave notice of the proposed suspension or termination of Order No. 30, as now in effect, regulating the handling of milk in the Chicago, Ill., marketing area, and interested persons were given an opportunity to submit written data, views or arguments in connection with the proposed suspension or termination order.

On the basis of the records of aforementioned hearings and upon consideration of (1) the briefs filed on such hearing records, (2) the exceptions filed to the recommended decision which preceded the final decision, and (3) the data, views and arguments filed in connection with the proposed suspension or

termination, it is hereby found that the order, as amended, regulating the handling of milk in the Chicago, Illinois, marketing area, as now in force and effect, does not tend to effectuate the declared policy of the Act.

(b) Thirty days notice of the effective date hereof is impractical, unnecessary and contrary to the public interest. Interested persons were afforded opportunity to file written views, data or arguments on the proposed termination (30 F.R. 625). A number of interested persons responded expressing approval and others expressing disapproval of the proposed termination of the currently effective Chicago milk order. In view of the findings under (a) above:

It is therefore ordered, That the terms and provisions of Order No. 30, as amended, except §§ 1030.92 and 1030.93, regulating the handling of milk in the Chicago, Illinois, marketing area (7 CFR Part 1030) are hereby terminated effective at midnight March 31, 1965, subject, however, to the following conditions:

(1) That such termination of the said order shall not affect or waive any right, obligation, duty or liability under the said order with respect to milk delivered prior to April 1, 1965, or release or extinguish any violation of the said order, or affect or impair any right or remedy of the United States, the Secretary of Agriculture, or any other person with respect to any such violation that has arisen or occurred or that may arise or occur prior to the time that such termination becomes effective;

(2) That the provisions of §§ 1030.92 and 1030.93 of the order, relating to proceedings subsequent to the termination of such order, shall remain in force and effect for the purpose of enabling the market administrator, who is hereby designated to continue in such capacity, as the agency hereby directed to liquidate the affairs of the market administrator of the order pursuant to the provisions of the said order;

(3) That the market administrator shall, in accordance with the applicable provisions of § 1030.93, continue in such capacity and, from time to time, account for all funds, receipts and disbursements; and

(4) That the said market administrator, continuing in such capacity, as provided in said § 1030.93 shall have all of the powers and authority that may be necessary or proper in order to carry out the provisions thereof, and that such market administrator shall perform the duties specified therein.

(49 Stat. 753, as amended; 7 U.S.C. 608e)

Signed at Washington, D.C., on March 3, 1965.

GEORGE L. MEHREN,
Assistant Secretary.

[F.R. Doc. 65-2392; Filed, Mar. 8, 1965; 8:46 a.m.]

(2) The provisions of the said order are known to handlers. The recommended decision of the Deputy Administrator was issued May 26, 1964, and the decision of the Assistant Secretary containing all amendment provisions of this order, was issued November 30, 1964. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective April 1, 1965, and that it would be contrary to the public interest to delay the effective date of this order for 30 days after its publication in the *Federal Register* (Sec. 4(c), Administrative Procedure Act, 5 U.S.C. 1001-1011).

(c) Determinations. It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in section 8(c) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as hereby amended; and

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who participated in a referendum and who during the determined representative period were engaged in the production of milk for sale in the marketing area.

(d) Order relative to handling. It is therefore ordered, that on and after the effective date hereof the handling of milk in the Northwestern Indiana marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended as follows:

§ 1031.1 Act.

"Act" means Public Act No. 10, 73d Congress, as amended, and as re-enacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U.S.C. 601 et seq.).

DEFINITIONS

(b) Additional findings. (1) It is necessary in the public interest to make this order amending the order effective not later than April 1, 1965. Any delay beyond that date would tend to disrupt the orderly marketing of milk in the marketing area.

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest.

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(4) All milk and milk products handled by handlers, as defined in the order as hereby amended, are in the current of interstate commerce or directly burden, obstruct, or affect interstate commerce in milk or its products; and

(5) It is hereby found that the necessary expense of the market administrator for the maintenance and functioning of such agency will require the payment by each handler, as his pro rata share of such expense, 4 cents per hundredweight or such amount not to exceed 4 cents per hundredweight as the Secretary may prescribe, with respect to skim milk and butterfat in (i) producer milk (including such handler's own production), (ii) other source milk allocated to Class I pursuant to § 1031.46(a) (3) and (6) and the corresponding steps of § 1031.46(b), and (iii) Class I milk disposed of in the marketing area from a partially regulated distributing plant that exceeds the hundredweight of Class I milk received during the month at such plant from pool plants and other order plants.

(b) Additional findings. (1) It is necessary in the public interest to make this order amending the order effective not later than April 1, 1965. Any delay beyond that date would tend to disrupt the orderly marketing of milk in the marketing area.

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest.

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the South Bend-LaPorte-Elkhart, Indiana marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest.

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DETERMINATION OF UNIFORM PRICES TO PRODUCERS

Sec. 1031.70 Computation of the net pool obligation of each pool handler.

1031.71 Computation of uniform price.

1031.72 Obligations of handlers operating a partially regulated distributing plant.

PAYMENTS

1031.80 Time and method of payment.

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Authority: The provisions of this Part 1031 issued under secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674.

§ 1031.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) Findings upon the basis of the hearing record. Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in

PART 1031—MILK IN NORTHWESTERN INDIANA MARKETING AREA

Order Amending Order

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§ 1031.2 Secretary.

"Secretary" means the Secretary of Agriculture or any other officer or employee of the United States authorized to exercise the powers or to perform the duties of the Secretary of Agriculture.

§ 1031.3 Department.

"Department" means the United States Department of Agriculture or such other Federal agency authorized to perform the price reporting functions of the United States Department of Agriculture specified in this part.

§ 1031.4 Person.

"Person" means any individual, partnership, corporation, association, or any other business unit.

§ 1031.5 Market administrator.

"Market administrator" means the person designated pursuant to § 1031.20 as the agency for the administration of this part.

§ 1031.6 Northwestern Indiana marketing area.

"Northwestern Indiana marketing area" hereinafter called the "marketing area" means all the territory within the boundaries of the counties of Elkhart, Kosciusko, Lake, LaPorte, Marshall, Porter, St. Joseph and Starke, all in the State of Indiana, including all territory within such boundaries occupied by government (municipal, State or Federal) reservations, installations, institutions or other similar establishments.

§ 1031.7 Route.

"Route" means any delivery either inside or outside the marketing area (including disposition by a vendor or from a plant store or from vending machines) of any item of Class I milk to a wholesaler or retail stop other than a plant (§ 1031.8), but excluding any disposition of skim milk or butterfat in the marketing area from a nonpool plant to any other plant or to a commercial processor of foods.

§ 1031.8 Plant.

"Plant" means the entire land, building, surroundings, facilities and equipment, whether owned or operated by one or more persons, maintained and operated at the same location primarily for the receiving, processing or other handling of milk or milk products. This

definition shall not include any building, premises, facilities, or equipment used primarily to hold or store bottled milk or milk products in finished form in transit for wholesale or retail distribution on a route(s).

§ 1031.9 Reload point.

"Reload point" means any location at which milk moved from the farm in a tank truck is commingled with other milk before entering a plant, except that reloading operations on the premises of a plant shall be considered a part of the plant's operations.

§ 1031.10 Pool plant.

"Pool plant" means any plant meeting the conditions of paragraph (a) of this section, or any plant or reload point meeting the conditions of paragraph (b) of this section, but not any plant exempt pursuant to § 1031.60, or the plant of a person defined in § 1031.16:

(a) A plant in which milk is processed or packaged and from which not less than 10 percent of its total disposition of Class I milk during the month either by the operator of such plant or by another person is made within the marketing area on a route(s); *Provided*, That the total quantity of Class I milk disposed of from such plant during the month either inside or outside the marketing area is not less than 50 percent of such plant's total receipts of milk eligible for sale in fluid form as Grade A milk within the marketing area; or

(b) Any plant or reload point from which during any month 50 percent or more of its total receipts for such month from farms of skim milk or butterfat eligible for sale in fluid form as Grade A milk within the marketing area is delivered to a plant(s) which has qualified pursuant to paragraph (a) of this section; *Provided*, That if during each of any 5 consecutive months during the period August through March, inclusive, a plant meets the delivery requirements set forth in this paragraph, such plant shall be a pool plant for the immediately following months of April, May, June, and July, unless the plant is withdrawn from such status upon request of the handler, which withdrawal would become effective on the first day of the month following in which the market withdrawal. Any plant so withdrawn

from pool plant status may not regain status prior to the following August.

§ 1031.11 Nonpool plant.

"Nonpool plant" means any milk receiving, manufacturing or processing plant other than a pool plant. The following categories of nonpool plants are further defined as follows:

(a) "Other order plant" means a plant that is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act.

(b) "Producer-handler plant" means a plant operated by a producer-handler as defined in any order (including this part) issued pursuant to the Act.

(c) "Partially regulated distributing plant" means a nonpool plant that is neither an other order plant nor a producer handler plant and from which fluid milk products labeled Grade A in consumer-type packages or dispenser units are distributed on routes in the marketing area during the month.

(d) "Unregulated supply plant" means a nonpool plant that is neither an other order plant nor a producer-handler plant and from which a Grade A fluid milk product is shipped during the month to a pool plant.

§ 1031.12 Producer.

"Producer" means any person, other than a producer-handler as defined in any order (including this part) issued pursuant to the Act, who produces milk eligible for sale in fluid form as Grade A milk within the marketing area which is either (a) received from the farm at a pool plant(s), or (b) caused to be temporarily diverted by the handler for his account from a pool plant to a nonpool plant; *Provided*, That such diverted milk shall be deemed to be received by such handler at the location of the pool plant from which it was diverted.

§ 1031.13 Cooperative association.

"Cooperative association" means any cooperative marketing association of producers which the Secretary determines, after application by the association, to be qualified pursuant to the provisions of the Act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act", and to be engaged in making collective sales or marketing of milk or its products for the producers thereof.

§ 1031.14 Producer milk.

Except as provided in § 1031.60, "producer milk" or "milk received from producers" means milk produced by one or more dairy farmers who are producers (as defined in § 1031.12).

§ 1031.15 Handler.

"Handler" means:

(a) Any person in his capacity as the operator of a pool plant(s);

(b) Any cooperative association with respect to producer milk caused to be delivered for the account of such association from the farms of producers to the pool plant(s) of another handler(s) and milk customarily received as producer milk at a pool plant which is diverted by such association for its account to a nonpool plant;

(c) Any person who operates a partially regulated distributing plant;

(d) Any person in his capacity as the operator of an other order plant from which during the month fluid milk products are either distributed on routes in the marketing area or shipped to a pool plant; or

(e) A producer-handler.

§ 1031.16 Producer-handler.

"Producer-handler" means any handler who produces milk eligible for sale in fluid form as Grade A milk within the marketing area but receives no milk directly from other dairy farmers; *Provided*, That the maintenance, care and management of the dairy animals and other resources necessary to produce such milk and the processing, or distribution of such milk are his personal enterprise and at his personal risk.

§ 1031.17 Other source milk.

"Other source milk" means all skim milk and butterfat received in any form, except in a nonfluid milk product disposed of in the same form as received, from sources other than producer milk and a pool plant(s).

§ 1031.18 Fluid milk product.

"Fluid milk product" means milk, skim milk, buttermilk, flavored milk, flavored milk drinks, sour cream and sour cream products labeled Grade A, cream or any mixture in fluid form of cream and milk or skim milk; *Provided*, That egg nog, ice cream milk, frozen dessert milk, aerated cream products, evaporated and condensed milk or skim milk and stert-

handles funds entrusted to the market administrator;

(d) Pay out of the funds provided by § 1031.85:

- (1) The cost of his bond and of the bonds of his employees;
- (2) His own compensation;
- (3) All other expenses, except those incurred under § 1031.86, necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for in this part, and upon request by the Secretary, surrender the same to such other person as the Secretary may designate;

(f) Publicly announce, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person who within 10 days after the day upon which he is required to perform such acts, has not made (1) reports pursuant to §§ 1031.30 and 1031.31 or (2) payments pursuant to §§ 1031.80 to 1031.87;

(g) Submit his books and records to examination by the Secretary and furnish such information and reports as may be requested by the Secretary;

(h) Verify all reports and payments of each handler by inspection of such handler's records and of the records of any other handler or person upon whose utilization the classification of skim milk and butterfat for such handler depends;

(i) Publicly announce by posting in a conspicuous place in his office and by such other means as he deems appropriate on or before:

- (1) The 7th day of each month the Class I milk price pursuant to § 1031.51 (a) and the Class I butterfat differential pursuant to § 1031.52(a), both for the current month, and the Class II milk price pursuant to § 1031.51(b) and the Class II butterfat differential pursuant to § 1031.52(b), both for the preceding month, and
- (2) The 14th day after the end of each month the uniform price computed pursuant to § 1031.71 and the butterfat and location differentials pursuant to § 1031.81;

(j) Prepare and disseminate to the public such statistics and information as he deems advisable and as do not reveal confidential information.

lized products in hermetically sealed metal containers shall not be fluid milk products pursuant to this section.

§ 1031.19 Butter price.

"Butter price" means the simple average as computed by the market administrator of the daily wholesale selling prices (using the midpoint of any price range as one price) per pound of Grade A (92-score) bulk creamy butter at Chicago as reported during the month by the Department.

MARKET ADMINISTRATOR

§ 1031.20 Designation.

The agency for the administration hereof shall be a market administrator, selected by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

§ 1031.21 Powers.

The market administrator shall have the following powers with respect to this part:

- (a) To administer its terms and provisions;
- (b) To receive, investigate, and report to the Secretary complaints of violations;
- (c) To make rules and regulations to effectuate its terms and provisions; and
- (d) To recommend amendments to the Secretary.

§ 1031.22 Duties.

The market administrator shall perform all duties necessary to administer the terms and provisions of this part, including, but not limited to, the following:

- (a) Within 30 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond, effective as of the date on which he enters upon such duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;
- (b) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;
- (c) Obtain in an amount and with surety thereon satisfactory to the Secretary a bond covering each employee who

(k) Whenever required for purpose of allocating receipts from other order plants pursuant to § 1031.46(a) (7) and the corresponding step of § 1031.46(b), the market administrator shall estimate and publicly announce the utilization (to the nearest whole percentage) in each class during the month of skim milk and butterfat, respectively, in producer milk of all handlers. Such estimate shall be based upon the most current available data and shall be final for such purpose;

(l) Report to the market administrator of the other order, as soon as possible after the report of receipts and utilization for the month is received from a handler who has received fluid milk products from an other order plant, the classification to which such receipts are allocated pursuant to § 1031.46 pursuant to such report, and thereafter any change in such allocation required to correct errors disclosed in verification of such report; and

(m) Furnish to each handler operating a pool plant who has shipped fluid milk products to an other order plant, the classification to which the skim milk and butterfat in such fluid milk products were allocated by the market administrator of the other order on the basis of the report of the receiving handler; and, as necessary, any changes in such classification arising in the verification of such report.

REPORTS, RECORDS AND FACILITIES

§ 1031.30 Monthly reports of receipts and utilization.

(a) On or before the 9th day of each month and in the detail and on forms prescribed by the market administrator, each person who is a handler pursuant to § 1031.15 (a) or (b) shall report to the market administrator for the preceding month with respect to all milk and milk products, except any milk product defined as Class II milk which is disposed of in the form in which received without further processing or packaging by the handler, received at each pool plant, the following:

- (1) The quantities of skim milk and the quantities of butterfat contained in milk received from producers (including such handler's own production) producer-handlers, and other handlers;
- (2) The quantities of skim milk and quantities of butterfat contained in other source milk, with the sources thereof;

(3) The utilization of all skim milk and butterfat required to be reported pursuant to this paragraph, including the quantities of skim milk and butterfat on hand at the beginning and end of each month as milk and milk products; and

(4) Such other information with respect to all receipts and utilization as the market administrator may prescribe.

(b) Each handler specified in § 1031.15(c) who operates a partially regulated distributing plant shall report as required in paragraph (a) of this section, except that receipts of Grade A milk from dairy farmers shall be reported in lieu of those in producer milk. Such report shall include a separate statement showing the respective amounts of skim milk and butterfat disposed of on routes in the marketing area as Class I milk.

§ 1031.31 Other reports.

(a) Each producer-handler who handles during the month only milk of his own production shall make reports to the market administrator at such times and in such manner as the market administrator shall prescribe.

(b) On or before the 25th day of each month, each handler shall submit to the market administrator such handler's producer payroll for the preceding month which shall show for each producer and cooperative association (1) the total pounds of milk delivered with the average butterfat test thereof, (2) the net amount of the payment to each producer and to each cooperative association, together with the prices, deductions and charges involved.

§ 1031.32 Records and facilities.

Each handler shall permit the market administrator to make such examination of his operations, equipment and facilities as the market administrator deems necessary and shall maintain and make available to the market administrator during the usual hours of business, such accounts and records of operations and such facilities as the market administrator deems necessary to verify or to establish the correct data with respect to (a) the receipts and utilization in whatever form of all skim milk and butterfat received, including nonfluid milk products disposed of in the form in which received without further processing or packaging; (b) the weights, and tests for butterfat and for other content, of all other skim milk or butterfat handled; (c) payments

(3) of this paragraph in his report submitted to the market administrator pursuant to § 1031.30 for the month within which such transaction occurred;

(2) The operator of such nonpool plant maintains books and records showing the utilization of all skim milk and butterfat received at such plant which are made available if requested by the market administrator for the purpose of verification; and

(3) The skim milk and butterfat so transferred shall be classified on the basis of the following assignment of utilization at such nonpool plant in excess of receipts of packaged fluid milk products from all pool plants and other order plants:

(i) Any Class I utilization disposed of on routes in the marketing area shall be first assigned to the skim milk and butterfat in the fluid milk products so transferred or diverted from pool plants, next pro rata to receipts from other order plants and thereafter to receipts from dairy farmers who the market administrator determines constitute regular sources of supply of Grade A milk for such nonpool plant;

(ii) Any Class I utilization disposed of on routes in the marketing area of another order issued pursuant to the Act shall be first assigned to receipts from plants fully regulated by such order, next pro rata to receipts from pool plants and other order plants not regulated by such order, and thereafter to receipts from dairy farmers who the market administrator determines constitute regular sources of supply for such nonpool plant;

(iii) Class I utilization in excess of that assigned pursuant to subdivisions (i) and (ii) of this subparagraph shall be assigned first to remaining receipts from dairy farmers who the market administrator determines constitute the regular source of supply for such nonpool plant and Class I utilization in excess of such receipts shall be assigned pro rata to unassigned receipts at such nonpool plant from all pool and other order plants; and

(iv) To the extent that Class I utilization is not so assigned to it, the skim milk and butterfat so transferred shall be classified as Class II milk;

(d) As producer milk in the transferee plant, if transferred as bulk milk to the

that such skim milk or butterfat should be classified otherwise.

(b) Any skim milk or butterfat classified (except that transferred to a producer-handler) in one class shall be reclassified if used or reused by such handler or by another handler in another class.

§ 1031.44 Transfers.

Skim milk or butterfat in the form of a fluid milk product shall be classified:

(a) At the utilization indicated by the operators of both plants, otherwise as Class I milk, if transferred from a pool plant to the pool plant of another handler, subject in either event to the following conditions:

(1) The skim milk or butterfat so assigned to each class shall be limited to the amount thereof remaining in such class in the transferee plant after computations pursuant to § 1031.46(a)(7) and the corresponding step of § 1031.45(b);

(2) If the transferor plant received during the month other source milk to be allocated pursuant to § 1031.46(a)(3), the skim milk and butterfat so transferred shall be classified so as to allocate the least possible Class I utilization to such other source milk; and

(3) If the transferor handler received during the month other source milk to be allocated pursuant to § 1031.46(a)(6) or (7) and the corresponding steps of § 1031.46(b), the skim milk and butterfat so transferred up to the total of such receipts shall not be classified as Class I milk to a greater extent than would be applicable to a like quantity of such other source milk received at the transferee plant;

(b) As Class I milk, if transferred from a pool plant to a producer-handler;

(c) As Class I milk, if transferred or diverted in bulk to a nonpool plant that is neither an other order plant nor a producer-handler plant, unless the requirements of subparagraphs (1) and (2) of this paragraph are met, in which case the skim milk and butterfat so transferred or diverted shall be classified in accordance with the assignment resulting from subparagraph (3) of this paragraph;

(1) The transferring or diverting handler claims classification pursuant to the assignment set forth in subparagraph

and used at commercial food establishments devoted exclusively to the manufacture of bakery products, candy or processed foods in hermetically sealed containers;

(3) Skim milk in fluid milk products disposed of for livestock feed or dumped if the market administrator has been notified in advance and afforded the opportunity to verify such dumping;

(4) Skim milk represented by the nonfat milk solids added to a fluid milk product which is in excess of the weight of an equivalent volume of the fluid milk products prior to such addition;

(5) Skim milk and butterfat in monthly inventory variations;

(6) Skim milk and butterfat, respectively (except in milk diverted to a nonpool plant) in shrinkage but not in excess of:

(i) 2.0 percent of producer milk;

(ii) Plus 2.0 percent of receipts of fluid milk products in bulk from other order plants, exclusive of the quantity for which Class II utilization was requested by the operators of both plants;

(iii) Plus 2.0 percent of receipts of fluid milk products in bulk from unregulated supply plants, exclusive of the quantity for which Class II utilization was requested by the handler; and

(iv) Less 2.0 percent of fluid milk products transferred in bulk to other order plants; and

(7) In shrinkage assigned pursuant to § 1031.42(b)(2).

§ 1031.42 Shrinkage.

The market administrator shall allocate shrinkage over a handler's receipts as follows:

(a) Compute the total shrinkage of the skim milk and butterfat, respectively, for each handler; and

(b) Prorate the resulting amounts between the receipts of skim milk and butterfat contained in:

(1) The net quantity of producer milk and other fluid milk products specified in § 1031.41(b)(6); and

(2) Other source milk exclusive of that specified in § 1031.41(b)(6).

§ 1031.43 Responsibility of handlers and reclassification of milk.

(a) All skim milk and butterfat shall be Class I milk, unless the handler who first receives such skim milk or butterfat proves to the market administrator

to producers and cooperative associations; and (d) the pounds of skim milk and butterfat contained in or represented by all milk, skim milk, cream, and each milk product on hand at the beginning and at the end of each month.

§ 1031.33 Retention of records.

All books and records required under this order to be made available to the market administrator shall be retained by the handler for a period of 3 years to begin at the end of the month to which such books and records pertain: Provided, That if within such 3-year period the market administrator notifies the handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8c(15)(A) of the Act or a court action specified in such notice, the handler shall retain such books and records or specified books and records until further written notification from the market administrator. In either case the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION

§ 1031.40 Skim milk and butterfat to be classified.

All skim milk and butterfat, in any form, received within the month by a handler, in producer milk in other source milk and from another handler shall be classified by the market administrator pursuant to the provisions of §§ 1031.41 to 1031.46, inclusive.

§ 1031.41 Classes of utilization.

Subject to the conditions of § 1031.44, the classes of utilization shall be as follows:

(a) Class I milk: Class I milk shall be all skim milk and butterfat:

(1) Disposed of as a fluid milk product (except as provided in paragraph (b) (2), (3) and (4) of this section); and

(2) Not accounted for as Class II milk.

(b) Class II milk: Class II milk shall be:

(1) Skim milk and butterfat used to produce any product other than a fluid milk product;

(2) Skim milk and butterfat in fluid milk products delivered in bulk form to

butterfat basis by a butterfat differential (rounded to the nearest one-tenth cent) computed at 0.12 times the butter price and rounded to the nearest cent.

§ 1031.51 Class prices.

Subject to the provisions of §§ 1031.52 and 1031.53, the class prices per hundredweight for the month shall be as follows:

(a) *Class I milk price.* The price for Class I milk shall be the basic formula price for the preceding month plus \$1.40 August through November, \$1.00 March through June and \$1.20 in other months. Provided, That such Class I price shall be increased or decreased, respectively, 2 cents for each full percent that the adjusted supply-demand ratio computed pursuant to Part 1030 (Chicago) of this Chapter is greater or less than 72 percent, but shall not be increased or decreased more than 24 cents because of such adjusted supply-demand ratio;

(b) *Class II milk price.* The Class II milk price shall be the basic formula price for the month.

§ 1031.52 Butterfat differentials to handlers.

For milk containing more or less than 3.5 percent butterfat, the class prices for the month pursuant to § 1031.51 shall be increased or decreased, respectively, for each one-tenth percent butterfat at a rate, rounded to the nearest one-tenth cent, determined as follows:

(a) *Class I price.* Multiply the butter price for the preceding month by 0.120.

(b) *Class II price.* Multiply the butter price for the month by 0.113.

§ 1031.53 Location differentials to handlers.

(a) The Class I price for producer milk and other source milk (for which a location adjustment is applicable) received at a plant or reload point located 60 miles or more by the shortest hard-surfaced highway distance as determined by the market administrator from the nearest of the City Hall, Gary, Ind.; St. Joseph County Court House, South Bend, Ind.; and White County Court House, Monticello, Ind.; shall be reduced 10 cents for the first 70 miles or less and 1.6 cents for each additional 10 miles or fraction thereof that such plant or reload point is from the nearest of such places:

(b) For the purpose of calculating location differentials, receipts of fluid milk

II utilization was requested by the operator of such plant and the handler;

(5) Add to the remaining pounds of skim milk in Class II milk the pounds subtracted pursuant to subparagraph (1) of this paragraph;

(6) Subtract from the pounds of skim milk remaining in each class, pro rata to such quantities, the pounds of skim milk in receipts of fluid milk products from unregulated supply plants which were not subtracted pursuant to subparagraph (4) (i) of this paragraph;

(7) Subtract from the pounds of skim milk remaining in each class, in the following order, the pounds of skim milk in receipts of fluid milk products in bulk from an other order plant(s), in excess in each case of similar transfers to the same plant, which were not subtracted pursuant to subparagraph (4) (ii) of this paragraph;

(i) In series beginning with Class II, the pounds determined by multiplying the pounds of such receipts by the larger of the percentage of estimated Class II utilization of skim milk announced for the month by the market administrator pursuant to § 1031.22(k) or the percentage that Class II utilization remaining is of the total remaining utilization of skim milk of the handler; and

(ii) From Class I, the remaining pounds of such receipts;

(8) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk received in fluid milk products from other pool plants according to the classification assigned pursuant to § 1031.44(a);

(9) If the pounds of skim milk remaining in each class exceed the pounds of skim milk in producer milk, subtract such excess from the pounds of skim milk remaining in each class in series beginning with Class II. Any amount so subtracted shall be known as "overage";

(b) Butterfat shall be allocated in accordance with the procedure outlined for skim milk in paragraph (a) of this section.

MINIMUM PRICES

§ 1031.50 Basic formula price.

The basic formula price shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Wisconsin and Minnesota, as reported by the Department for the month. Such price shall be adjusted to a 3.5 percent

port submitted by each handler and compute the total pounds of skim milk and butterfat, respectively, in each class for such handler.

§ 1031.46 Allocation of skim milk and butterfat classified.

After making the computations pursuant to § 1031.45, the market administrator shall determine the classification of milk for each handler as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class II, the pounds of skim milk classified as Class II pursuant to § 1031.41(b) (6);

(2) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk in fluid milk products received in packaged form from other order plants as follows:

(i) From Class II milk, the lesser of the pounds remaining or two percent of such receipts; and

(ii) From Class I milk, the remainder of such receipts;

(3) Subtract in the order specified below from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in each of the following:

(i) Other source milk in a form other than that of a fluid milk product;

(ii) Receipts of fluid milk products for which Grade A certification is not established, or which are from unidentified sources; and

(iii) Receipts of fluid milk products from a producer-handler, as defined under this or any other Federal order;

(4) Subtract, in the order specified below, from the pounds of skim milk remaining in Class II but not in excess of such quantity:

(i) Receipts of fluid milk products from an unregulated supply plant;

(a) For which the handler requests Class II utilization; or

(b) Which are in excess of the pounds of skim milk determined by subtracting from 125 percent of the pounds of skim milk remaining in Class I milk the sum of the pounds of skim milk in producer milk, receipts from pool plants of other handlers, and receipts in bulk from other order plants; and

(ii) Receipts of fluid milk products in bulk from an other order plant in excess of similar transfers to such plant, if Class

pool plant of another handler by a cooperative association from its pool plant or in its capacity as a handler pursuant to § 1031.15(b). Such milk shall be excluded from producer milk to be classified as that of the cooperative association; and

(e) As follows, if transferred to an other order plant in excess of receipts from such plant in the same category as described in subparagraph (1), (2) or (3) of this paragraph:

(1) If transferred in packaged form, classification shall be in the classes to which allocated as a fluid milk product under the other order;

(2) If transferred in bulk form, classification shall be in the classes to which allocated as a fluid milk product under the other order (including allocation under the conditions set forth in subparagraph (3) of this paragraph);

(3) If the operators of both the transferor and transferee plants so request in the reports of receipts and utilization filed with their respective market administrators, transfers in bulk form shall be classified as Class II to the extent of the Class II utilization (or comparable utilization under such other order) available for such assignment pursuant to the allocation provisions of the transferee order;

(4) If information concerning the classification to which allocated under the other order is not available to the market administrator for purposes of establishing classification pursuant to this paragraph, classification shall be as Class I, subject to adjustment when such information is available;

(5) For purposes of this paragraph, if the transferee order provides for more than two classes of utilization, milk allocated to a class consisting primarily of fluid milk products shall be classified as Class I, and milk allocated to other classes shall be classified as Class II; and

(6) If the form in which any fluid milk product is transferred to an other order plant is not defined as a fluid milk product under such other order, classification shall be in accordance with the provisions of § 1031.41.

§ 1031.45 Computation of skim milk and butterfat in each class.

For each month, the market administrator shall correct for mathematical and for other obvious errors the monthly re-

§ 1031.72 Obligations of handler operating a partially regulated distributing plant.

Each handler who operates a partially regulated distributing plant shall pay to the market administrator for the producer-settlement fund on or before the 25th day after the end of the month either of the amounts (at the handler's election) calculated pursuant to paragraph (a) or (b) of this section. If the handler fails to report pursuant to § 1031.30(b) the information necessary to compute the amount specified in paragraph (a) of this section, he shall pay the amount computed pursuant to paragraph (b) of this section:

- (a) An amount computed as follows:
 - (1) The obligation that would have been computed pursuant to § 1031.70 at such plant shall be determined as though such plant were a pool plant. For purposes of such computation, receipts at such nonpool plant from a pool plant or an other order plant shall be assigned to the utilization at which classified at the pool plant or other order plant and transfers from such nonpool plant to a pool plant or an other order plant shall be classified as Class II milk if allocated to such class at the pool plant or other order plant and be valued at the uniform price of the respective order if so allocated to Class I milk. There shall be included in the obligation so computed a charge in the amount specified in § 1031.70(d) and a credit in the amount specified in § 1031.83(b) (2) with respect to receipts from an unregulated supply plant, unless an obligation with respect to such plant is computed as specified below in this subparagraph.
 - (ii) If the operator of the partially regulated distributing plant so requests, and provides with his report pursuant to § 1031.30(b) a similar report with respect to the operations of any other nonpool plant which serves as a supply plant for such partially regulated distributing plant by shipments to such plant during the month equivalent to the requirements of § 1031.10(b), with agreement of the operator of such plant that the market administrator may examine the books and records of such plant for purposes of verification of such reports, there will be added the amount of the obligation computed at such nonpool supply plant in the

(b) Add the amount obtained from multiplying the average deducted from each class pursuant to § 1031.46(a) (9) and the corresponding step of § 1031.46 (b) by the applicable class prices;

(c) Add an amount equal to the difference between the Class I and Class II price values at the pool plant of the skim milk and butterfat subtracted from Class I pursuant to § 1031.46(a) (3) and the corresponding step of § 1031.46(b); and

(d) Add the value at the Class I price, adjusted for location of the nearest nonpool plant(s) from which an equivalent volume was received, of the skim milk and butterfat subtracted from Class I pursuant to § 1031.46(a) (6) and the corresponding step of § 1031.46(b).

§ 1031.71 Computation of uniform price.

For each month the market administrator shall compute a uniform price as follows:

- (a) Combine into one total the values computed pursuant to § 1031.70 for all handlers who filed the reports prescribed by § 1031.30 for the month and who made the payments pursuant to § 1031.83 for the preceding month;
- (b) Add an amount equal to the total value of the location differentials computed pursuant to § 1031.81(b);
- (c) Subtract, if the average butterfat content of the milk specified in paragraph (a) of this section is more than 3.5 percent, or add, if such butterfat content is less than 3.5 percent, an amount computed by multiplying the amount by which the average butterfat content of such milk varies from 3.5 percent by the butterfat differential computed pursuant to § 1031.81(a) and multiplying the result by the total hundredweight of such milk;
- (d) Add an amount equal to not less than one-half of the unobligated balance in the producer-settlement fund;
- (e) Divide the resulting amount by the sum of the following for all handlers included in these computations:
 - (1) The total hundredweight of producer milk; and
 - (2) The total hundredweight for which a value is computed pursuant to § 1031.70(d); and
 - (f) Subtract not less than four cents nor more than 5 cents per hundredweight.

marketing agreement or order issued pursuant to the Act either on a route(s) or through a plant(s) regulated by such other marketing agreement or order than is disposed of from such plant in the Northwestern Indiana marketing area either on a route(s) or through another pool plant(s); and

(2) Such milk would be subject to the class price and producer payment provisions of the other marketing agreement or order upon being made exempt from this part.

(b) Milk received at a plant qualified as a pool plant under § 1031.10(b) shall be exempt from the provisions of this part as producer milk if such milk is subject to class prices at a plant regulated under another marketing agreement or order issued pursuant to the Act: Provided, That the proviso set forth in paragraph (a) of this section shall apply.

(c) In the case of producer milk received directly from a farm at a pool plant which milk (1) has been diverted (without being physically received therein) from a plant at which farm receipts of milk are subject to the class price provisions of another marketing agreement or order issued pursuant to the Act, (2) is reflected on the producer's payroll of the plant from which diverted, and (3) is not specifically exempt from class pricing by the terms of such other marketing agreement or order, the Secretary shall make a determination as to the extent to which the terms of this part shall apply to such milk.

§ 1031.61 Producer-handlers.

Sections 1031.40 to 1031.46, 1031.50 to 1031.54, 1031.70 and 1031.71, 1031.80 to 1031.84, and 1031.86 to 1031.88 shall not apply to a producer-handler.

DETERMINATION OF UNIFORM PRICES TO PRODUCERS

§ 1031.70 Computation of the net pool obligation of each pool handler.

The net pool obligation of each pool handler during each month shall be a sum of money computed by the market administrator as follows:

- (a) Multiply the quantity of producer milk (including any such milk caused to be delivered to such handler from the farms of producers for the account of a cooperative association) in each class, as computed pursuant to § 1031.46, by the applicable class prices;

products from pool plants shall be assigned any remainder of Class I milk at the transfer price that is in excess of the sum of receipts at such plant from producers and handlers pursuant to § 1031.15(b) and that assigned as Class I to receipts from other order plants and unregulated supply plants. Such assignment shall be made in sequence according to the location differential applicable at each plant beginning with the plant at which the lowest location differential is applicable.

§ 1031.54 Computation of prices of skim milk and butterfat.

The prices per hundredweight of skim milk and butterfat to be paid by each handler for milk in each class shall be computed as follows: For each class, respectively, the price per hundredweight of skim milk shall be the applicable class price for the month less the result of multiplying the applicable class butterfat differential for the month by 35. For each class, respectively, the price per hundredweight of butterfat shall be the applicable class price for the month plus the result of multiplying the applicable class butterfat differential for the month by 965.

§ 1031.55 Equivalent prices.

If for any reason a price quotation required by this order for computing class prices or for other purposes is not available in the manner described, the market administrator shall use a price determined by the Secretary to be equivalent to the price that is required.

APPLICATION OF PROVISIONS

§ 1031.60 Exempt milk.

(a) Milk received at a plant qualified as a pool plant under § 1031.10(a) shall be exempt from the provisions of this part if the conditions of subparagraphs (1) and (2) of this section are met: Provided, That the handler of such milk shall make reports to the market administrator with respect to his total receipts and utilization of skim milk and butterfat at such times and in such manner as the market administrator may require and allow verification of such reports by the market administrator in accordance with § 1031.33:

- (1) The Secretary determines that a greater quantity of milk is disposed of in fluid form from such plant to another regulated area as defined in another

the value at the Class II price) with respect to other source milk for which a value is computed pursuant to § 1031.70 (d).

§ 1031.84 Payments out of the producer-settlement fund.

On or before the 17th day after the end of each month, the market administrator shall pay to each handler the amount if any, by which the amount computed pursuant to § 1031.83(b) exceeds the amount computed pursuant to § 1031.83(a). The market administrator shall offset any payment due any handler against payments due from such handler. *Provided*, That with respect to milk for which a cooperative association receives payment from a handler pursuant to § 1031.80(b), the market administrator shall pay to such cooperative association on or before the 17th day after the end of the month, the amount by which the utilization value of such milk is less than the value computed at the uniform price. *And provided further*, That if the balance in the producer-settlement fund is insufficient to make all payments pursuant to this section, the market administrator shall reduce uniformly per hundredweight such payments and shall complete such payments as soon as the necessary funds are available.

§ 1031.85 Expense of administration.

As his pro rata share of the expense of administration of the order, each handler shall pay to the market administrator on or before the 16th day after the end of the month 4 cents per hundredweight or such lesser amount as the Secretary may prescribe, with respect to (a) producer milk (including such handler's own production), (b) other source milk allocated to Class I pursuant to § 1031.46(a) (3) and (6) and the corresponding steps of § 1031.46(b), and (c) Class I milk disposed of in the marketing area from a partially regulated distributing plant that exceeds the hundredweight of Class I milk received during the month at such plant from pool plants and other order plants.

§ 1031.86 Marketing services.

(a) Except as set forth in paragraph (b) of this section, each handler, in making payments to producers pursuant to § 1031.80(a) shall make a deduction of 4 cents per hundredweight of milk, or such lesser deduction as the Secretary

§ 1031.81 Producer butterfat and location differentials to producers and on nonpool milk.

(a) The uniform price pursuant to § 1031.71 shall be increased or decreased for each one-tenth percent that the butterfat content of such milk is above or below 3.5 percent, respectively, at the rate determined by multiplying the pounds of butterfat allocated to Class I and Class II milk pursuant to § 1031.46 by the respective butterfat differential for each class, dividing the sum of such values by the total pounds of butterfat, and rounding the resulting figure to the nearest one-tenth cent.

(b) The uniform price for milk received at a plant shall be reduced according to the location of the plant at the rates set forth in § 1031.83.

§ 1031.82 Producer-settlement fund.

The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit payments made by handlers pursuant to § 1031.72 and § 1031.83 and payments related thereto pursuant to § 1031.87 and out of which he shall make all payments to handlers pursuant to § 1031.84 and payments related thereto pursuant to § 1031.87.

§ 1031.83 Payments to the producer-settlement fund.

On or before the 16th day after the end of the month, each handler shall pay to the market administrator the amount if any, by which the total amounts specified in paragraph (a) of this section exceed the amounts specified in paragraph (b) of this section: *Provided*, That with respect to milk for which a cooperative association receives payment from a handler pursuant to § 1031.80(b), each cooperative association shall pay to the market administrator on or before the 16th day after the end of the month, the amount by which the utilization value of such milk is greater than the value computed at the uniform price:

(a) The net pool obligation computed pursuant to § 1031.70 for such handler; and

(b) The sum of:
(1) The value of such handler's producer milk at the applicable uniform price; and
(2) The value at the uniform price (s) applicable at the location of the plant (a), from which received (not to be less than

weight reduction in payment from the market administrator: *And provided further*, That such handler shall make such balance of payment to those producers to whom it is due on or before the date for making payments pursuant to this paragraph next following that on which such balance of payment is received from the market administrator.

(b) On or before the 15th day after the end of each month, to a cooperative association with respect to milk caused to be delivered from producers' farms to such handler by such association for its account during such month, not less than the value of skim milk and butterfat in such milk computed at the minimum class prices, less payments to such association made pursuant to paragraph (c) of this section. For the purpose of determining the classification of skim milk and butterfat in such milk, such skim milk and butterfat shall be ratably apportioned among the quantities of skim milk and butterfat in such handler's Class I and Class II milk allocated to producer milk pursuant to § 1031.46.

(c) On or before the 4th day after the end of such month each handler shall pay to each producer, or to a cooperative association authorized to collect payment, not less than the amount per hundredweight provided in the schedule set forth in this paragraph, for milk received from such producer or caused to be delivered to such handler by such cooperative association during the first 15 days of such month: *Provided*, That in the event any producer or cooperative association discontinues shipping to such handler during any month, such partial payments shall not be made and full payment for all milk received from such producer or cooperative association during such month shall be made on or before the 18th day after the end of such month pursuant to paragraphs (a) and (b) of this section:

When the uniform price for the preceding month is—	The amount of the partial payment shall be
Under \$1	\$0.00
\$1 to \$1.99	1.00
\$2 to \$2.99	2.00
\$3 to \$3.99	3.00
\$4 to \$4.99	4.00
\$5 to \$5.99	5.00
\$6 to \$6.99	6.00
\$7 and over	7.00

same manner and subject to the same conditions as for the partially regulated distributing plant.

(2) From this obligation there will be deducted the sum of (i) the gross payments made by such handler for Grade A milk received during the month from dairy farmers at such plant and like payments made by the operator of a supply plant(s) included in the computations pursuant to subparagraph (1) of this paragraph, and (ii) any payments to the producer-settlement fund of another order under which such plant is also a partially regulated distributing plant.

(b) An amount computed as follows:
(1) Determine the respective amounts of skim milk and butterfat disposed of as Class I milk on routes in the marketing area.

(2) Deduct (except that deducted under a similar provision of another order issued pursuant to the Act) the respective amounts of skim milk and butterfat received as Class I milk at the partially regulated distributing plant from pool plants and other order plants;

(3) Combine the amounts of skim milk and butterfat remaining into one total and determine the weighted average butterfat content; and

(4) From the value of such milk at the Class I price applicable at the location of the nonpool plant, subtract its value at the uniform price pursuant to § 1031.71 at the same location or at the Class II price, whichever is higher.

PAYMENTS

§ 1031.80 Time and method of payment. Each handler shall make payments as follows:

(a) On or before the 18th day after the end of each month, to each producer, except producers for whom payment is made to a cooperative association pursuant to paragraph (b) of this section, at not less than the uniform price adjusted by the producer butterfat and location differentials pursuant to § 1031.81, for all milk received from such producer during such month and less payment to such producer made pursuant to paragraph (c) of this section: *Provided*, That if by such date such handler has not received full payment for such month pursuant to § 1031.84, he may reduce such payments uniformly per hundredweight for all producers by an amount not in excess of the per hundred-

of the market administrator's office, dispose of all property in his possession or control, including accounts receivable, and execute and deliver all assignments or other instruments necessary or appropriate to effectuate any such disposition. If a liquidating agent is so designated, all assets, books, and records of the market administrator shall be transferred promptly to such liquidating agent. If upon such liquidation, the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expenses of liquidation and distribution, such excess shall be distributed to contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 1031.100 Agents.

The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this part.

§ 1031.101 Separability of provisions.

If any provision of this part, or its application to any person or circumstances, is held invalid, the application of such provision, and of the remaining provisions of this part, to other persons or circumstances shall not be affected thereby.

Effective date: April 1, 1965.

Signed at Washington, D.C., on March 3, 1965.

GEORGE L. MEHREN,

Assistant Secretary.

[F.R. Doc. 65-2330; Filed, Mar. 8, 1965; 8:46 a.m.]

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[C.C.C. Grain Price Support Regs., 1965—Crop Oats Supp.]

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

Subpart—1965 Crop Oats Loan and Purchase Program

The General Regulations Governing Price Support for the 1964 and Subsequent Crops (29 F.R. 2688) issued by the

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this part to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate 2 years after the end of the month during which the milk involved in the claim was received if an underpayment is claimed, or 2 years after the end of the month during which the payment (including deduction or setoff by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c(15) (A) of the Act, a petition claiming such money.

EFFECTIVE TIME, SUSPENSION, OR TERMINATION

§ 1031.90 Effective time.

The provisions of this part or of any amendment hereto, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated.

§ 1031.91 Suspension or termination.

The Secretary shall, whenever he finds that this part or any provision thereof, obstructs or does not tend to effectuate the declared policy of the act, terminate or suspend the operation of this part or any such provision thereof.

§ 1031.92 Continuing obligations.

If, upon the suspension or termination of any or all provisions of this part, there are any obligations thereunder the final accrual or ascertainment of which requires further acts by any person (including the market administrator), such further acts shall be performed notwithstanding such suspension or termination.

§ 1031.93 Liquidation.

Upon the suspension or termination of the provisions of this part, except this section, the market administrator, or such other liquidating agent as the Secretary may designate, shall, if so desired by the Secretary, liquidate the business

following the 5th day after such notice. (b) An unpaid obligation of a handler or of the market administrator shall bear interest at the rate of one-half of 1 percent per month, such interest to accrue on the first day of the month next following the date of such obligation and on the first day of each month thereafter until such obligation is paid.

§ 1031.88 Termination of obligations.

The provisions of this section shall apply to any obligation under this part for the payment of money irrespective of when such obligation arose. (a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate 2 years after the last day of the month during which the market administrator receives the handler's utilization report on the milk involved in such obligation, unless within such 2-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain but need not be limited to, the following information:

- (1) The amount of the obligation;
- (2) The month(s) during which the milk, with respect to which the obligation exists was received or handled; and
- (3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this part, to make available to the market administrator or his representatives all books and records required by this part to be made available, the market administrator may, within the 2-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said 2-year period with respect to such obligation shall not begin to run until the first day of the month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representatives.

from time to time may prescribe, with respect to the following:

- (1) All milk received from producers (except milk of such handler's own production) at a plant not operated by a cooperative association; and
- (2) All milk received at a plant operated by a cooperative association from producers who are not members of such association. Such deductions shall be paid by the handler to the market administrator on or before the 16th day after the end of each month. Such moneys shall be expended by the market administrator for verification of weights, samples and tests of milk received from such producers and in providing market information to such producers, such services to be performed in whole or in part by the market administrator or by an agent engaged by and responsible to him.

(b) In the case of each producer, except a producer for whom payments are collected by a cooperative association pursuant to § 1031.80(b), (1) who is a member of, or who has given written authorization for the rendering of marketing services and the taking of deduction therefor, to a cooperative association, (2) whose milk is received at a plant not operated by such association, and (3) for whom the Secretary determines that such association is performing the services described in paragraph (a) of this section, each handler shall deduct, in lieu of the deduction specified under paragraph (a) of this section, from the payments made pursuant to § 1031.80(a) the amount per hundredweight on milk authorized by such producer and shall pay over, on or before the 16th day after the end of such month, such deduction to the association entitled to receive it under this paragraph.

§ 1031.87 Adjustments of accounts.

(a) Whenever audit by the market administrator of any handler's reports, books, records, or accounts discloses errors resulting in moneys due (1) the market administrator from such handler, (2) such handler from the market administrator or, (3) any producer or cooperative association from such handler, the market administrator shall promptly notify such handler of any such amount due; and payment thereof shall be made on or before the next date for making payment set forth in the provision under which such error occurred

Commodity Credit Corporation which contain regulations of a general nature with respect to price support loan and purchase operations are supplemented for the 1965 crop of oats as follows:

Sec.	
1421.2640	Purpose.
1421.2641	Availability of price support.
1421.2642	Eligible oats.
1421.2643	Determination of quality.
1421.2644	Determination of quantity.
1421.2645	Warehouse receipts.
1421.2646	Service charges.
1421.2647	Warehouse charges.
1421.2648	Maturity of loans.
1421.2649	Support rates.

AUTHORITY: The provisions of this subpart issued under sec. 4, 62 Stat. 1070, as amended; 16 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 105, 401, 63 Stat. 1051, as amended; 16 U.S.C. 714c, 7 U.S.C. 1421, 1441.

§ 1421.2640 Purpose.

This supplement contains additional program provisions which, together with the applicable provisions of the General Regulations Governing Price Support for the 1964 and Subsequent Crops and any amendments thereto, apply to loans and purchases for the 1965-crop oats. (Such regulations are referred to herein as "General Regulations".)

§ 1421.2641 Availability and disbursement.

Producers desiring price support must file an application not later than January 31, 1966. Loans shall be available through March 31, 1966 in States having a maturity date of April 30, and through January 31, 1966 in States having a maturity date of February 28.

§ 1421.2642 Eligible oats.

(a) *General.* The oats must be merchantable for use as food or feed or for other uses, as determined by CCC, and must not contain mercurial compounds or other substances poisonous to man or animals in order to be eligible for price support.

(b) *Warehouse stored loan grade requirements.* Oats to be placed under a warehouse storage loan also must meet the following requirements:

(1) The oats must grade No. 3 or better, except that (i) they may grade No. 4 on the factor of test weight, and because of being badly stained or materially weathered, and (ii) they may have the special grade designation "Garlicky".

(2) The oats must not grade "Weevily" or have moisture over 14 percent unless the warehouse receipt representing the oats is accompanied by a supplemental certificate which provides that the warehouseman shall deliver oats which are not "Weevily", do not contain in excess of 14 percent moisture, and are otherwise of an eligible grade and quality. The grade, quality and quantity shown on the supplemental certificate shall be as provided in § 1421.2645(b).

(3) The oats must not grade Smutty, Ergoty, Bleached or Thin or otherwise of a distinctly low quality.

§ 1421.2643 Determination of quality.

The grade, grading factors and all other quality factors shall be based on

the Official Grain Standards of the United States for Oats, whether or not the determination is made on the basis of an official inspection.

§ 1421.2644 Determination of quantity.

When the quantity is determined by weight, a bushel shall be 32 pounds of oats. In determining the quantity of sacked oats by weight, a deduction of $\frac{3}{4}$ of a pound for each sack shall be made.

(a) *In warehouse.* The quantity of oats on which a warehouse storage loan shall be made and the quantity delivered to or acquired by CCC in an approved warehouse shall be the net weight specified on the warehouse receipt or on the supplemental certificate, if applicable. If the oats have been dried or blended to reduce the moisture content, the quantity specified on the warehouse receipt or the supplemental certificate, if applicable, shall represent the quantity after drying or blending, and such quantity shall reflect a minimum shrink in the receiving weight of 1.2 times the percentage difference between the moisture content of the oats, when received, and 14 percent.

(b) *On farm.* The quantity eligible to be placed under farm-storage loan will be determined in accordance with § 1421.67. The quantity acquired by CCC from farm storage under a loan or purchase shall be determined by weight.

§ 1421.2645 Warehouse receipts.

Warehouse receipts tendered to CCC in connection with a loan or purchase must meet the requirements of this section.

(a) *Separate receipt.* A separate receipt must be submitted for each grade and class of oats.

(b) *Entries for weight and grade.* Each warehouse receipt, or the warehouseman's supplemental certificate properly identified with the warehouse receipt must show: (1) Net weight and bushels, (2) class, (3) grade (including special grades), (4) test weight, (5) moisture if in excess of 14 percent, (6) any other grading factor(s) when such factor(s) and not test weight determine the grade.

(c) *Where warehouse receipt shows "Weevily" or moisture over 14 percent.* If a warehouse receipt tendered for a warehouse storage loan indicates the oats grade "Weevily" or contain over 14 percent moisture the warehouse receipt must be accompanied by a supplemental certificate as provided in § 1421.2642. The grade, grading factors and the quantity to be delivered must be shown on the supplemental certificate as follows:

(1) When the warehouse receipt shows "Weevily" and the oats have been conditioned to remove the "Weevily" designation, the supplemental certificate must show the same grade without the "Weevily" designation and the same grading factors and quantity as shown on the warehouse receipt.

(2) When the warehouse receipt shows the oats contain more than 14 percent moisture and the oats have been dried or blended, the supplemental certificate must show the grade, grading factors and quantity after drying or blending the oats to a moisture content of not

over 14 percent. The quantity shown on the supplemental certificate shall reflect a drying or blending shrink as specified in § 1421.2644.

(3) The supplemental certificate must state that no lien for processing will be claimed by the warehouseman from Commodity Credit Corporation or any subsequent holder of the warehouse receipt.

(4) In the case of conditions in subparagraphs (1) and (2) of this paragraph, the grade and grading factors and the quantity shown on the supplemental certificate shall supersede the entries for such items on the warehouse receipts.

(d) *Liens.* The warehouse receipts may be subject to liens for warehouse charges only to the extent indicated in § 1421.2647.

§ 1421.2646 Service charges.

A charge of one half cent per bushel will be made for the quantity acquired by CCC and shall be handled in accordance with § 1421.60(b).

§ 1421.2647 Warehouse charges.

(a) *Handling and storage liens.* Warehouse receipts and the oats represented thereby stored in approved warehouses operating under the Uniform Grain Storage Agreement may be subject to liens for warehouse handling and storage charges at not to exceed the Uniform Grain Storage Agreement rates from the date the oats are deposited in the warehouse for storage. Warehouse receipts and the oats represented thereby stored in approved warehouses operated by Eastern common carriers may be subject to liens for warehouse elevation (receiving and delivering) and storage charges from the date of deposit at rates approved by the Interstate Commerce Commission. In no event shall a warehouseman be entitled to satisfy the lien by sale of the oats when CCC is holder of the warehouse receipt.

(b) *Deduction of storage charges—UGSA warehouses.* The table shown below provides the deduction for storage charges to be made from the amount of the loan or purchase price in the case of oats stored in an approved warehouse operated under the Uniform Grain Storage Agreement. Such deduction shall be based on entries shown on the warehouse receipts. If written evidence is submitted with the warehouse receipt that all warehouse charges except receiving and loading out charges have been prepaid through the applicable loan maturity date, no storage deductions shall be made. If such written evidence is not submitted, the date to be used for computing the storage deduction on oats stored in warehouses operating under the Uniform Grain Storage Agreement shall be the latest of the following:

- (1) The date of deposit;
- (2) The date storage charges start; or
- (3) The day following the date through which the storage charges have been paid.

If none of the foregoing dates is shown, the date of the warehouse receipt shall be used.

Maturity date of Feb. 28, 1965	Deduction (cents per bushel)	Maturity date of Apr. 30, 1966
(1)	(1)	(1)
Prior to Apr. 25, 1965	11	Prior to Apr. 28, 1965
Apr. 25 to May 30, 1965	10	Apr. 28 to June 2, 1965
May 31 to July 5, 1965	9	June 3 to July 8, 1965
July 6 to Aug. 11, 1965	8	July 9 to Aug. 14, 1965
Aug. 12 to Sept. 17, 1965	7	Aug. 15 to Sept. 20, 1965
Sept. 18 to Oct. 24, 1965	6	Sept. 21 to Oct. 27, 1965
Oct. 25 to Nov. 30, 1965	5	Oct. 28 to Dec. 3, 1965
Dec. 1, 1965 to Jan. 6, 1966	4	Dec. 4, 1965 to Jan. 9, 1966
Jan. 7 to Feb. 28, 1966	3	Jan. 10 to Feb. 15, 1966
	2	Feb. 16 to Mar. 24, 1966
	1	Mar. 25 to Apr. 30, 1966

1 Dates storage charges start, all dates inclusive.

(c) **Deduction of storage charges—Eastern common carriers.** In the case of oats stored in an approved warehouse operated by an Eastern common carrier, there shall be deducted in computing the loan or purchase price the amount of the approved tariff rate for storage (not including elevation), which will accumulate from the date of deposit through the applicable maturity date unless written evidence is submitted with the warehouse receipt that such charges have been prepaid. Where the producer presents evidence showing the elevation charges have been prepaid, the amount of the storage charges to be deducted shall be reduced by the amount of the elevation charges prepaid by the producer.

§ 1421.2648 Maturity of loans.

Unless demand is made earlier, loans on oats stored in the States of Alabama, Arkansas, Delaware, Florida, Georgia, Kentucky, Louisiana, Maryland, Mississippi, New Jersey, North Carolina, Pennsylvania, South Carolina, Tennessee, Virginia, and West Virginia, mature on February 28, 1966, and loans on oats stored in all other States mature on April 30, 1966.

§ 1421.2649 Support rates.

(a) **Basic support rates.** The basic county support rates for use in making loans and for use in settling loans and for purchases are listed below. Farm stored loans shall be made at the basic support rate for the county in which the oats were produced, adjusted by the Weed Control discount where applicable. Warehouse stored loans, farm storage loan settlements and purchases shall be made on the basis of the basic support rate for the county in which the oats were produced adjusted by the premiums and discounts shown in paragraph (b) of this section and any other discounts established by CCC, applicable to the grade and quality of the commodity on which the loan or settlement is made. The basic county support rate applies to oats grading No. 3, having moisture not in excess of 14 percent.

County	ALABAMA	Rate per bushel
All counties		\$0.71

No. 45—3

County	ALASKA	Rate per bushel
All counties		\$1.20

County	ARIZONA	Rate per bushel
All counties		\$0.78

County	ARKANSAS	Rate per bushel
All counties		\$0.68

County	CALIFORNIA	Rate per bushel
All counties		\$0.70

County	Rate per bushel	County	Rate per bushel
Alameda	\$0.74	Plumas	\$0.70
Alpine	.72	Riverside	.74
Amador	.72	Sacramento	.72
Butte	.71	San Benito	.73
Calaveras	.72	San Bernar-	
Colusa	.72	dino	.74
Contra Costa	.74	San Diego	.74
Del Norte	.70	San Fran-	
El Dorado	.72	cisco	.74
Fresno	.73	San Joaquin	.73
Glenn	.71	San Luis	
Humboldt	.72	Obispo	.73
Imperial	.74	San Mateo	.74
Inyo	.74	Santa	
Kern	.74	Barbara	.73
Kings	.73	Santa Clara	.74
Lake	.72	Santa Cruz	.73
Lassen	.69	Shasta	.69
Los Angeles	.75	Sierra	.70
Madera	.73	Siskiyou	.68
Marin	.74	Solano	.74
Mariposa	.73	Sonoma	.73
Mendocino	.72	Stanislaus	.73
Merced	.73	Sutter	.72
Modoc	.68	Tehama	.70
Mono	.73	Trinity	.72
Monterey	.73	Tulare	.73
Napa	.73	Tuolumne	.72
Nevada	.70	Ventura	.74
Orange	.74	Yolo	.73
Placer	.71	Yuba	.71

County	COLORADO	Rate per bushel
All counties		\$0.65

County	CONNECTICUT	Rate per bushel
All counties		\$0.71

County	DELAWARE	Rate per bushel
All counties		\$0.70

County	FLORIDA	Rate per bushel
All counties		\$0.75

County	GEORGIA	Rate per bushel
All counties		\$0.71

IDAHO			
Ada	\$0.65	Gem	\$0.65
Adams	.63	Gooding	.64
Bannock	.63	Idaho	.62
Bear Lake	.63	Jefferson	.61
Benewah	.63	Jerome	.64
Bingham	.61	Kootenai	.63
Blaine	.63	Latah	.64
Boise	.65	Lemhi	.61
Bonner	.61	Lewis	.63
Bonneville	.61	Lincoln	.64
Boundary	.61	Madison	.61
Butte	.61	Minidoka	.64
Camas	.64	Nez Perce	.64
Canyon	.65	Oneida	.63
Caribou	.62	Owyhee	.65
Cassia	.64	Payette	.65
Clark	.61	Power	.63
Clearwater	.63	Shoshone	.61
Custer	.61	Teton	.61
Elmore	.65	Twin Falls	.64
Franklin	.63	Valley	.63
Fremont	.61	Washington	.64

ILLINOIS			
Adams	\$. 61	Christian	\$. 61
Alexander	. 64	Clark	. 62
Bond	. 62	Clay	. 63
Boone	. 61	Clinton	. 63
Brown	. 61	Coles	. 61
Bureau	. 61	Cook	. 63
Calhoun	. 62	Crawford	. 63
Carroll	. 61	Cumberland	. 62
Cass	. 61	De Kalb	. 61
Champaign	. 61	De Witt	. 61

ILLINOIS—Continued			
County	Rate per bushel	County	Rate per bushel

County	Rate per bushel	County	Rate per bushel
Du Page	.61	Mason	.61
Edgar	.61	Massac	.64
Edwards	.64	Menard	.61
Effingham	.62	Merced	.61
Fayette	.62	Monroe	.64
Ford	.61	Montgomery	.62
Franklin	.64	Morgan	.61
Fulton	.61	Moultrie	.61
Gallatin	.65	Ogle	.61
Greene	.62	Peoria	.61
Grundy	.61	Perry	.64
Hamilton	.64	Piatt	.61
Hancock	.61	Pike	.61
Hardin	.65	Pope	.65
Henderson	.61	Pulaski	.64
Henry	.61	Putnam	.61
Iroquois	.61	Randolph	.64
Jackson	.64	Richland	.63
Jasper	.63	Rock Island	.61
Jefferson	.64	St. Clair	.64
Jersey	.62	Saline	.65
Jo Daviess	.61	Sangamon	.61
Johnson	.64	Schuyler	.61
Kane	.61	Scott	.61
Kankakee	.61	Shelby	.61
Kendall	.61	Stark	.61
Knox	.61	Stephenson	.61
Lake	.62	Tazewell	.61
La Salle	.61	Union	.64
Lawrence	.63	Vermillion	.61
Lee	.61	Wabash	.64
Livingston	.61	Warren	.61
Logan	.61	Washington	.64
McDonough	.61	Wayne	.64
McHenry	.61	White	.64
McLean	.61	Whiteside	.61
Macon	.61	Will	.62
Macoupin	.62	Williamson	.64
Madison	.63	Winnebago	.61
Marion	.63	Woodford	.61

INDIANA	
Adams	\$0.62
Allen	\$0.62
Anderson	\$0.62
Armstrong	\$0.62
Barber	\$0.62
Barren	\$0.62
Bates	\$0.62
Bay	\$0.62
Beaumont	\$0.62
Benning	\$0.62
Benton	\$0.62
Berkeley	\$0.62
Bethel	\$0.62
Bethlehem	\$0.62
Beverly	\$0.62
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County	Rate per bushel	County	Rate per bushel
Allen	.62	La Porte	.63
Bartholomew	.63	Lawrence	.64
Benton	.61	Madison	.62
Blackford	.62	Marion	.62
Boone	.62	Marshall	.62
Brown	.64	Martin	.64
Carroll	.62	Miami	.62
Cass	.62	Monroe	.64
Clark	.64	Montgomery	.62
Clay	.62	Morgan	.62
Clinton	.62	Newton	.61
Crawford	.64	Noble	.62
Daviess	.64	Ohio	.65
Dearborn	.65	Orange	.64
Decatur	.63	Owen	.62
De Kalb	.62	Parke	.61
Delaware	.62	Perry	.64
Dubois	.64	Pike	.64
Elkhart	.63	Porter	.62
Fayette	.62	Posey	.64
Floyd	.64	Pulaski	.62
Fountain	.61	Putnam	.62
Franklin	.64	Randolph	.62
Fulton	.62	Ripley	.65
Gibson	.64	Rush	.62
Grant	.62	St. Joseph	.63
Greene	.64	Scott	.65
Hamilton	.62	Shelby	.62
Hancock	.62	Spencer	.64
Harrison	.64	Starke	.62
Hendricks	.62	Steuben	.63
Henry	.62	Sullivan	.63
Howard	.62	Switzerland	.65
Huntington	.62	Tiptecanoe	.62
Jackson	.64	Tipton	.62
Jasper	.61	Union	.62
Jay	.62	Vanderburgh	.64
Jefferson	.65	Vermillion	.61
Jennings	.65	Vigo	.62
Johnson	.62	Wabash	.62
Knox	.62	Warren	.61
Kosciusko	.64	Warrick	.64
Lagrange	.63	Washington	.64

RULES AND REGULATIONS

INDIANA—Continued

County	Rate per bushel	County	Rate per bushel
Wayne	\$0.62	White	\$0.62
Wells	.62	Whitley	.62
Iowa			
Adair	\$0.61	Jefferson	\$0.61
Adams	.61	Johnson	.61
Allamakee	.61	Jones	.61
Appanoose	.61	Keokuk	.61
Audubon	.60	Kossuth	.60
Benton	.61	Lee	.61
Black Hawk	.61	Linn	.61
Boone	.60	Louisa	.61
Bremer	.61	Lucas	.61
Buchanan	.61	Lyon	.58
Buena Vista	.60	Madison	.61
Butler	.60	Mahaska	.61
Calhoun	.60	Marion	.61
Carroll	.60	Marshall	.60
Cass	.61	Mills	.61
Cedar	.61	Mitchell	.60
Cerro Gordo	.60	Monona	.59
Cherokee	.59	Monroe	.61
Chickasaw	.61	Montgomery	.61
Clarke	.61	Muscatine	.61
Clay	.60	O'Brien	.59
Clayton	.61	Osceola	.58
Clinton	.61	Page	.61
Crawford	.59	Palo Alto	.60
Dallas	.60	Plymouth	.59
Davis	.62	Pocahontas	.60
Decatur	.61	Polk	.60
Delaware	.61	Pottawattamie	.61
Des Moines	.61	Poweshiek	.60
Dickinson	.59	Ringgold	.61
Dubuque	.61	Sac	.60
Emmet	.59	Scott	.61
Fayette	.61	Shelby	.60
Floyd	.60	Stolux	.58
Franklin	.60	Story	.60
Fremont	.61	Tama	.60
Greene	.60	Taylor	.61
Grundy	.60	Union	.61
Guthrie	.60	Van Buren	.61
Hamilton	.60	Wapello	.61
Hancock	.60	Warren	.61
Hardin	.60	Washington	.61
Harrison	.60	Wayne	.61
Henry	.61	Webster	.60
Howard	.61	Winnebago	.60
Humboldt	.60	Winneshiek	.61
Ida	.59	Woodbury	.59
Iowa	.61	Worth	.60
Jackson	.61	Wright	.60
Jasper	.60		

KANSAS

Allen	\$0.64	Gove	\$0.65
Anderson	.64	Graham	.64
Atchison	.64	Grant	.66
Barber	.67	Gray	.66
Barton	.65	Greeley	.65
Bourbon	.65	Greenwood	.65
Brown	.63	Hamilton	.66
Butler	.66	Harper	.67
Chase	.65	Harvey	.65
Chautauqua	.66	Haskell	.66
Cherokee	.66	Hodgeman	.65
Cheyenne	.64	Jackson	.64
Clark	.67	Jefferson	.64
Clay	.63	Jewell	.62
Cloud	.63	Johnson	.65
Coffey	.64	Kearny	.66
Comanche	.67	Kingman	.66
Cowley	.66	Kiowa	.66
Crawford	.65	Labette	.66
Decatur	.63	Lane	.65
Dickinson	.64	Leavenworth	.65
Doniphan	.64	Lincoln	.63
Douglas	.64	Linn	.64
Edwards	.65	Logan	.65
Elk	.65	Lyon	.64
Ellis	.64	McPherson	.65
Ellsworth	.64	Marion	.65
Finney	.66	Marshall	.63
Ford	.66	Meade	.67
Franklin	.64	Miami	.64
Geary	.64	Mitchell	.63

KANSAS—Continued

County	Rate per bushel	County	Rate per bushel
Montgomery	\$0.66	Saline	\$0.64
Morris	.64	Scott	.65
Morton	.67	Sedgwick	.66
Nemaha	.63	Shawnee	.67
Neosho	.65	Sheridan	.64
Ness	.65	Sherman	.64
Norton	.63	Smith	.62
Osage	.64	Stafford	.65
Osborne	.63	Stanton	.66
Ottawa	.63	Stevens	.67
Pawnee	.65	Sumner	.67
Phillips	.62	Thomas	.64
Pottawatomie	.63	Trego	.64
Pratt	.66	Wabaunsee	.64
Rawlins	.64	Wallace	.65
Reno	.65	Washington	.62
Republic	.62	Wichita	.65
Rice	.65	Wilson	.65
Riley	.63	Woodson	.64
Rooks	.63	Wyandotte	.65
Rush	.65		
Russell	.64		

KENTUCKY

All counties	\$0.71
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LOUISIANA

All counties	\$0.70
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MAINE

All counties	\$0.71
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MARYLAND

All counties	\$0.70
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MASSACHUSETTS

All counties	\$0.71
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MICHIGAN

Alcona	\$0.62	Keweenaw	\$0.63
Alger	.64	Lake	.64
Allegan	.64	Lapeer	.62
Alpena	.62	Leelanau	.63
Antrim	.63	Lenawee	.63
Arenac	.62	Livingston	.63
Baraga	.63	Luce	.64
Barry	.64	Mackinac	.64
Bay	.62	Macomb	.63
Benzie	.63	Manistee	.64
Berrien	.63	Marquette	.63
Branch	.63	Mason	.64
Calhoun	.63	Mecosta	.63
Cass	.63	Menominee	.63
Charlevoix	.63	Midland	.62
Cheybogan	.63	Missaukee	.63
Chippewa	.64	Monroe	.63
Clare	.63	Montcalm	.63
Clinton	.63	Montmorency	.62
Crawford	.62	Muskegon	.64
Delta	.63	Newaygo	.64
Dickinson	.63	Oakland	.63
Eaton	.63	Oceana	.64
Emmet	.63	Ogemaw	.62
Genesee	.63	Ontonagon	.63
Gladwin	.62	Osceola	.63
Gogebic	.63	Oscoda	.62
Grand		Otsego	.63
Traverse	.63	Ottawa	.64
Gratiot	.63	Presque Isle	.62
Hillsdale	.63	Roscommon	.62
Houghton	.63	Saginaw	.62
Huron	.62	Saint Clair	.63
Ingham	.63	Saint Joseph	.63
Ionia	.63	Sanilac	.62
Iscro	.62	Schoolcraft	.64
Iron	.63	Shiawassee	.62
Isabella	.63	Tuscola	.62
Jackson	.63	Van Buren	.64
Kalamazoo	.64	Washtenaw	.63
Kalkaska	.63	Wayne	.63
Kent	.64	Wexford	.64

MINNESOTA

Aitkin	\$0.57	Blue Earth	\$0.58
Anoka	.59	Brown	.57
Becker	.53	Carlton	.58
Beltrami	.52	Carver	.59
Benton	.57	Cass	.55
Big Stone	.54	Chippewa	.55

MINNESOTA—Continued

County	Rate per bushel	County	Rate per bushel
Chisago	\$0.59	Murray	\$0.55
Clay	.52	Nicollet	.58
Clearwater	.52	Nobles	.56
Cook	.59	Norman	.51
Cottonwood	.56	Olmsted	.58
Crow Wing	.56	Otter Tail	.54
Dakota	.59	Pennington	.51
Dodge	.58	Pine	.58
Douglas	.55	Pipestone	.55
Faribault	.58	Polk	.51
Fillmore	.59	Pope	.55
Freeborn	.58	Ramsey	.59
Goodhue	.58	Red Lake	.51
Grant	.54	Redwood	.56
Hennepin	.59	Renville	.57
Houston	.59	Rice	.58
Hubbard	.54	Rock	.56
Isanti	.58	Roseau	.51
Itasca	.55	St. Louis	.58
Jackson	.57	Scott	.59
Kanabec	.58	Sherburne	.58
Kandiyohi	.57	Sibley	.58
Kittson	.50	Stearns	.57
Koochiching	.54	Steele	.58
Lac Qui Parle	.55	Stevens	.54
Lake	.59	Swift	.55
Lake of the Woods	.52	Todd	.56
Le Sueur	.58	Traverse	.53
Lincoln	.55	Wabasha	.58
Lyon	.55	Wadena	.55
McLeod	.58	Waseca	.59
Mahnomen	.52	Washington	.59
Marshall	.50	Watsonwan	.57
Martin	.57	Wilkin	.53
Meeker	.57	Winona	.59
Miller Lake	.57	Wright	.58
Morrison	.56	Yellow Medi-	
Mower	.58	cine	.55

MISSISSIPPI

All counties	\$0.70
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MISSOURI

Adair	\$0.63	Hickory	\$0.64
Andrew	.63	Holt	.63
Atchison	.62	Howard	.64
Audrain	.62	Howell	.66
Barry	.66	Iron	.65
Barton	.65	Jackson	.64
Bates	.64	Jasper	.65
Benton	.64	Jefferson	.64
Bollinger	.65	Johnson	.64
Boone	.64	Knox	.62
Buchanan	.65	Laclede	.65
Butler	.65	LaPayette	.64
Caldwell	.65	Lawrence	.65
Callaway	.64	Lewis	.61
Camden	.65	Lincoln	.63
Cape Girard		Linn	.64
eau	.64	Livingston	.66
Carroll	.64	McDonald	.63
Carter	.65	Macon	.65
Cass	.64	Madison	.65
Cedar	.64	Maries	.61
Chariton	.64	Marion	.63
Christian	.66	Mercer	.63
Clark	.61	Miller	.65
Clay	.65	Mississippi	.64
Clinton	.65	Moniteau	.63
Cole	.65	Monroe	.62
Cooper	.65	Montgomery	.64
Crawford	.65	Morgan	.65
Dade	.64	New Madrid	.65
Dallas	.65	Newton	.65
Dayles	.64	Nodaway	.66
De Kalb	.64	Oregon	.65
Dent	.65	Osage	.66
Douglas	.66	Ozark	.65
Dunklin	.65	Pemiscott	.64
Franklin	.65	Perry	.65
Gasconade	.65	Pettis	.65
Gentry	.63	Phelps	.61
Greene	.65	Pike	.65
Grundy	.63	Platte	.64
Harrison	.63	Polk	.65
Henry	.64	Pulaski	.65

MISSOURI—Continued

County	Rate per bushel	County	Rate per bushel
Putnam	\$0.63	Scott	\$0.64
Ralls	.61	Shannon	.65
Randolph	.63	Shelby	.62
Ray	.65	Stoddard	.65
Reynolds	.65	Stone	.66
Ripley	.66	Sullivan	.63
St. Charles	.63	Taney	.66
St. Clair	.64	Texas	.65
Ste. Genevieve	.64	Vernon	.64
St. Francois	.65	Warren	.64
St. Louis	.64	Washington	.65
Saline	.64	Wayne	.65
Schuyler	.63	Webster	.65
Scotland	.63	Worth	.62
		Wright	.65

MONTANA

Beaverhead	\$0.60	Madison	\$0.58
Big Horn	.55	Meagher	.55
Blaine	.51	Mineral	.60
Broadwater	.56	Missoula	.59
Carbon	.55	Musselshell	.53
Cartier	.53	Park	.56
Cascade	.55	Petroleum	.52
Chouteau	.53	Phillips	.50
Custer	.52	Pondera	.54
Daniels	.49	Powder River	.53
Dawson	.49	Powell	.58
Deer Lodge	.58	Prairie	.51
Fallon	.50	Ravalli	.59
Fergus	.53	Richland	.49
Flathead	.58	Roosevelt	.48
Gallatin	.56	Rosebud	.53
Garfield	.51	Sanders	.60
Glacier	.55	Sheridan	.48
Golden Valley	.54	Silver Bow	.58
Granite	.59	Stillwater	.55
Hill	.52	Sweet Grass	.55
Jefferson	.57	Teton	.54
Judith Basin	.54	Toole	.54
Lake	.59	Treasure	.54
Lewis and Clark	.57	Valley	.50
Liberty	.53	Wheatland	.54
Lincoln	.60	Wilboux	.50
McCone	.50	Yellowstone	.55

NEBRASKA

Adams	\$0.60	Hall	\$0.59
Antelope	.57	Hamilton	.59
Arthur	.58	Harlan	.61
Banner	.58	Hayes	.61
Blaine	.57	Hitchcock	.62
Boone	.58	Holt	.57
Box Butte	.58	Hooker	.57
Boyd	.56	Howard	.58
Brown	.57	Jefferson	.61
Buffalo	.59	Johnson	.62
Burt	.59	Kearney	.60
Butler	.60	Keith	.59
Cass	.61	Keya Paha	.56
Cedar	.58	Kimball	.59
Chase	.61	Knox	.57
Cherry	.57	Lancaster	.61
Cheyenne	.59	Lincoln	.59
Clay	.60	Logan	.58
Colfax	.59	Loup	.57
Cuming	.59	McPherson	.58
Custer	.58	Madison	.58
Dakota	.59	Merrick	.58
Dawes	.58	Morrill	.58
Dawson	.59	Nance	.58
Deuel	.59	Nemaha	.62
Dixon	.59	Nuckolls	.61
Dodge	.60	Otoe	.61
Douglas	.61	Pawnee	.62
Dundy	.62	Perkins	.60
Fillmore	.60	Phelps	.60
Franklin	.61	Pierce	.57
Frontier	.60	Platte	.58
Furnas	.61	Polk	.59
Gage	.62	Red Willow	.61
Garden	.58	Richardson	.62
Garfield	.57	Rock	.57
Gosper	.60	Saline	.61
Grant	.57	Sarpy	.61
Greeley	.58	Saunders	.61

NEBRASKA—Continued

County	Rate per bushel	County	Rate per bushel
Scotts Bluff	\$0.58	Thurston	\$0.59
Seward	.60	Valley	.58
Sheridan	.58	Washington	.60
Sherman	.58	Wayne	.58
Sioux	.58	Webster	.61
Stanton	.58	Wheeler	.57
Thayer	.61	York	.59
Thomas	.57		

NEVADA

All counties	\$0.75
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NEW HAMPSHIRE

All counties	\$0.71
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NEW JERSEY

All counties	\$0.71
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NEW MEXICO

All counties	\$0.72
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NEW YORK

All counties	\$0.70
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NORTH CAROLINA

All counties	\$0.71
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NORTH DAKOTA

Adams	\$0.49	McKenzie	\$0.47
Barnes	.51	McLean	.47
Benson	.49	Mercer	.47
Billings	.48	Mountrail	.46
Bottineau	.47	Morton	.48
Bowman	.49	Nelson	.50
Burke	.46	Oliver	.48
Burleigh	.49	Pembina	.49
Cass	.51	Pierce	.48
Cavalier	.49	Ramsey	.49
Dickey	.51	Ransom	.51
Divide	.46	Renville	.47
Dunn	.47	Richland	.51
Eddy	.50	Rolette	.47
Emmons	.49	Sargent	.51
Foster	.50	Sheridan	.48
Golden Valley	.48	Sioux	.49
Grand Forks	.50	Slope	.48
Grant	.48	Stark	.48
Griggs	.50	Steele	.50
Hettinger	.48	Stutsman	.51
Kidder	.50	Towner	.48
La Moure	.51	Trall	.50
Logan	.50	Walsh	.49
McHenry	.47	Ward	.47
McIntosh	.50	Wells	.49
		Williams	.46

OHIO

Adams	\$0.68	Harrison	\$0.69
Allen	.64	Henry	.64
Ashland	.65	Highland	.67
Ashtabula	.69	Hocking	.67
Athens	.69	Holmes	.67
Auglaize	.64	Huron	.65
Belmont	.70	Jackson	.68
Brown	.67	Jefferson	.70
Butler	.64	Knox	.65
Carroll	.69	Lake	.68
Champaign	.65	Lawrence	.68
Clark	.65	Licking	.65
Clermont	.66	Logan	.65
Clinton	.66	Lorain	.66
Columbiana	.69	Lucas	.64
Coshocton	.67	Madison	.65
Crawford	.65	Mahoning	.69
Cuyahoga	.67	Marion	.65
Darke	.63	Medina	.67
Defiance	.63	Meigs	.69
Delaware	.65	Mercer	.63
Erie	.65	Miami	.64
Fairfield	.65	Monroe	.70
Fayette	.65	Montgomery	.64
Franklin	.65	Morgan	.69
Fulton	.64	Morrow	.65
Gallia	.69	Muskingum	.68
Geauga	.68	Noble	.69
Greene	.65	Ottawa	.65
Guernsey	.69	Paulding	.63
Hamilton	.65	Perry	.67
Hancock	.64	Pickaway	.65
Hardin	.64	Pike	.68

OHIO—Continued

County	Rate per bushel	County	Rate per bushel
Portage	\$0.68	Trumbull	\$0.69
Preble	.63	Tuscarawas	.68
Putnam	.64	Union	.65
Richland	.65	Van Wert	.63
Ross	.66	Vinton	.68
Sandusky	.65	Warren	.65
Scioto	.68	Washington	.70
Seneca	.65	Wayne	.67
Shelby	.64	Williams	.64
Stark	.68	Wood	.64
Summit	.67	Wyandot	.65

OKLAHOMA

All counties	\$0.68
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OREGON

Baker	\$0.65	Lake	\$0.67
Benton	.70	Lane	.69
Clackamas	.70	Lincoln	.70
Clatsop	.70	Linn	.69
Columbia	.70	Malheur	.65
Cocos	.69	Marion	.70
Crook	.68	Morrow	.67
Curry	.69	Multnomah	.70
Deschutes	.68	Polk	.70
Douglas	.69	Sherman	.68
Gilliam	.68	Tillamook	.70
Grant	.67	Umatilla	.66
Harney	.68	Union	.66
Hood River	.70	Wallowa	.68
Jackson	.69	Wasco	.65
Jefferson	.68	Washington	.70
Josephine	.69	Wheeler	.68
Klamath	.67	Yamhill	.70

PENNSYLVANIA

All counties	\$0.70
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RHODE ISLAND

All counties	\$0.71
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SOUTH CAROLINA

All counties	\$0.71
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SOUTH DAKOTA

Armstrong	\$0.52	Hype	\$0.52
Aurora	.53	Jackson	.52
Beadle	.53	Jerauld	.53
Bennett	.53	Jones	.52
Bon Homme	.55	Kingsbury	.53
Brookings	.54	Lake	.53
Brown	.51	Lawrence	.51
Brule	.53	Lincoln	.56
Buffalo	.53	Lyman	.52
Butte	.61	McCook	.54
Campbell	.50	McPherson	.50
Charles Mix	.54	Marshall	.51
Clark	.52	Meade	.51
Clay	.57	Mellette	.53
Codington	.53	Miner	.53
Corson	.50	Minnehaha	.55
Custer	.54	Moody	.54
Davison	.53	Pennington	.52
Day	.52	Perkins	.50
Deuel	.54	Potter	.51
Dewey	.51	Roberts	.52
Douglas	.54	Sanborn	.53
Edmunds	.51	Shannon	.54
Fall River	.54	Spink	.52
Faulk	.51	Stanley	.52
Grant	.54	Sully	.52
Gregory	.53	Todd	.53
Haakon	.52	Tripp	.58
Hamlin	.53	Turner	.56
Hand	.52	Union	.57
Hanson	.53	Walworth	.51
Harding	.50	Washabaugh	.53
Hughes	.52	Yankton	.56
Hutchinson	.55	Ziebach	.51

TENNESSEE

All counties	\$0.71
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TEXAS

All counties	\$0.70
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UTAH

All counties	\$0.72
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VERMONT

All counties	\$0.71
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County	VIRGINIA	Rate per bushel
All counties		\$0.70

County	WASHINGTON	Rate per bushel
Adams		\$0.65
Asotin		.65
Benton		.67
Chelan		.68
Clallam		.70
Clark		.70
Columbia		.65
Cowlitz		.70
Douglas		.67
Ferry		.66
Franklin		.65
Garfield		.65
Grant		.66
Grays Harbor		.70
Island		.70
Jefferson		.70
King		.70
Kitsap		.70
Kittitas		.68
Klickitat		.68
Lewis		\$0.70
Lincoln		.65
Mason		.70
Okanogan		.68
Pacific		.70
Pend Oreille		.63
Pierce		.70
San Juan		.70
Skanit		.70
Skamania		.70
Snohomish		.70
Spokane		.64
Stevens		.64
Thurston		.70
Wahkiakum		.70
Walla Walla		.65
Whitman		.64
Yakima		.68

All counties	WEST VIRGINIA	\$0.71
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County	WISCONSIN	Rate per bushel
Adams		\$0.61
Ashland		.61
Barron		.69
Bayfield		.60
Brown		.60
Buffalo		.59
Burnett		.59
Calumet		.60
Chippewa		.60
Clark		.60
Columbia		.61
Crawford		.62
Dane		.62
Dodge		.61
Door		.60
Douglas		.59
Dunn		.60
Eau Claire		.60
Florence		.62
Fond du Lac		.60
Forest		.62
Grant		.62
Green		.62
Green Lake		.61
Iowa		.63
Iron		.62
Jackson		.61
Jefferson		.62
Juneau		.61
Kenosha		.63
Kewaunee		.60
La Crosse		.60
Lafayette		.63
Langlade		.61
Lincoln		.61
Manitowoc		.60
Marathon		\$0.61
Marquette		.62
Menominee		.61
Milwaukee		.63
Monroe		.61
Oconto		.61
Oneida		.62
Outagamie		.60
Ozaukee		.62
Pepin		.59
Pierce		.59
Polk		.59
Portage		.61
Price		.61
Racine		.63
Richland		.62
Rock		.63
Rusk		.60
St. Croix		.59
Sauk		.62
Sawyer		.60
Shawano		.61
Sheboygan		.61
Taylor		.61
Trempealeau		.60
Vernon		.61
Vilas		.62
Walworth		.62
Washburn		.59
Washington		.62
Waukesha		.63
Waupaca		.61
Waushara		.61
Winnebago		.60
Wood		.61

All counties	WYOMING	\$0.62
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(b) Premiums and discounts.

Premiums:	Cents per bushel
Grade No. 2 or better	1
Test weight:	
Heavy	1
Extra heavy	2
Discounts:	
Grade No. 4 on the factor of test weight only but otherwise No. 3 or better	3
Grade No. 4 because of being "badly stained or materially weathered"	7
No. 4 on the factor of test weight and because of being "badly stained" or "materially weathered"	10

* Premiums shall not be applicable to "badly stained or materially weathered oats".

Discounts—Continued	Cents per bushel
Garlicky ¹	3
Weed control discount (where required by § 1421.74) ¹	10

¹ These discounts shall be in addition to other applicable discounts.

Effective date. Upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on March 2, 1965.

H. D. GODFREY,
Executive Vice President,
Commodity Credit Corporation.

[P.R. Doc. 65-2332; Filed, Mar. 8, 1965; 8:45 a.m.]

Title 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service, Department of Justice

PART 205—PETITION FOR IMMIGRANT STATUS AS RELATIVE OF UNITED STATES CITIZEN, LAWFUL RESIDENT ALIEN, OR ELIGIBLE ORPHAN

PART 212—DOCUMENTARY REQUIREMENTS: NONIMMIGRANTS; WAIVERS; ADMISSION OF CERTAIN INADMISSIBLE ALIENS; PAROLE

Miscellaneous Amendments

The following amendments to Chapter I of Title 8 of the Code of Federal Regulations are hereby prescribed:

§ 205.3 [Amended]

1. The second sentence of paragraph (a) General of § 205.3 Evidence of United States citizenship is deleted.

2. Part 205 is amended by adding § 205.9 to read as follows:

§ 205.9 Evidence of status of beneficiary of visa petition who is in the United States.

A petition filed by a United States citizen or a lawful permanent resident alien in behalf of a beneficiary who was admitted to the United States as a non-immigrant or acquired such status after admission and is in the United States shall be accompanied by the beneficiary's passport and by his Form I-94 if one was issued to him.

§ 212.2 [Amended]

3. The second sentence of § 212.2 Consent to reapply for admission after deportation, removal, or departure at Government expense is amended to read as follows: "If the applicant is abroad, the application shall be filed with the district director having jurisdiction over the place where the deportation or removal proceedings were held; however, an alien who is abroad and is filing Form I-212 in conjunction with a request for a waiver under section 212 (g) or (h) of the Act, or an alien who is in the United States and will file application for a waiver under section 212 (g) or (h) with an American consul, should file Form

I-212 and the application for the waiver simultaneously with the American consul."

(Sec. 103, 66 Stat. 173; 8 U.S.C. 1103)

This order shall become effective on the date of its publication in the FEDERAL REGISTER. Compliance with the provisions of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003) as to notice of proposed rule making and delayed effective date is unnecessary in this instance because the rules prescribed by the order relate to agency procedure.

Dated: March 4, 1965.

RAYMOND F. FARRELL,
Commissioner of
Immigration and Naturalization.

[P.R. Doc. 65-2413; Filed, Mar. 8, 1965; 8:48 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

[Docket No. 2033; Amdts. 25-1; 91-13; 121-2]

PART 25—AIRWORTHINESS STANDARDS: TRANSPORT CATEGORY AIRPLANES

PART 91—GENERAL OPERATING AND FLIGHT RULES

PART 121—CERTIFICATION AND OPERATIONS: DOMESTIC, FLAG, AND SUPPLEMENTAL AIR CARRIERS AND COMMERCIAL OPERATORS OF LARGE AIRCRAFT

Regulations, Procedures, and Equipment for Passenger Emergency Evacuation; Flight Attendants; and Assignment of Emergency Evacuation Functions for Crewmembers

The purpose of these amendments is to provide for improved emergency evacuation procedures and equipment for passenger-carrying aircraft. These actions were proposed in Notice 63-42 (28 F.R. 11507) issued October 23, 1963, and they were the subject of a Public Hearing held June 25, 1964, pursuant to Notice published April 28, 1964 (29 F.R. 5640), after postponement from May 26, 1964.

The proposals concerned amendments to the following Civil Air Regulations: Part 4b—Airplane Airworthiness; Transport Categories; Part 40—Scheduled Interstate Air Carrier Certification and Operations Rules; Part 41—Certification and Operations Rules for Certificated Route Air Carriers Engaging in Overseas and Foreign Air Transportation and Air Transportation within Hawaii and Alaska; and Revised Part 42—Aircraft Certification and Operation Rules for Supplemental Air Carriers, Commercial Operators Using Large Aircraft, and Certificated Route Air Carriers Engaging in Charter Flights or Other Special Services.

The proposals as discussed at the Public Hearing were changed in some de-

tails from those published in Notice 63-42, after study of the comments received in response to that Notice, and further analysis of the problems involved. They also were changed in some minor details after study of the presentations made at the Public Hearing.

The amendments do the following:

(1) Require air carriers and commercial operators using large aircraft to physically demonstrate the adequacy of procedures established for passenger emergency evacuation on each type and model of airplane used in passenger-carrying operations that has a seating capacity of over 44 passengers.

(2) Require one portable battery-powered megaphone as emergency equipment on each passenger-carrying airplane with a seating capacity of more than 60 passengers (two megaphones if the seating capacity is more than 99 passengers).

(3) Make uniform the provisions for briefing of passengers, for flight attendants, and for assignment of emergency evacuation functions for categories of crewmembers, with respect to rules formerly in Parts 40 and 41, and Revised Part 42.

(4) Introduce required oral briefing of passengers on the location and operation of emergency exits, on passenger-carrying airplanes.

(5) Require flight attendants, on passenger-carrying airplanes with seating capacity of more than nine, varied in number up to at least four for airplanes with seating capacity of more than 149.

(6) Revise provisions on assignment of emergency evacuation functions for crewmembers.

(7) Prescribe revised and new standards for emergency exit locating signs and exit-opening instructions, exterior marking of these exits, emergency cabin illumination in a crash landing or upon interruption of the airplane's normal electrical power, strength requirements for latches designed to keep certain doors open during takeoffs and landings, and the fitting of ropes at Type III and Type IV exits to facilitate emergency egress from landplanes.

As part of the Agency recodification program, the relevant portions of Part 4b have been incorporated into Part 25 (New) of the Federal Aviation Regulations, and Parts 40 and 41, and Revised 42 of the Civil Air Regulations have been consolidated into Part 121 (New) of the Federal Aviation Regulations. Therefore, the amendments proposed for §§ 4b.382 now are made to §§ 25.809, 25.811, and 25.813, respectively covering emergency exit arrangement, marking, and access. Likewise, the amendments proposed for §§ 40.40, 40.173, 40.178, 40.265, 40.267, and 40.370 of Part 40, and the similar amendments proposed for Parts 41 and Revised 42, now are made by adding a new § 121.291 and Appendix D covering demonstration of and criteria for emergency evacuation procedures; by amending paragraphs (f), (g), and (h) of § 121.309 to make them effective only until July 1, 1966, and adding a new § 121.310 covering the emergency equipment items from that date; and by striking out §§ 121.393 and 121.396, and amending §§ 121.391, 121.397, 121.571,

and 121.573, covering flight attendants, emergency and emergency evacuation duties, and briefing of passengers before takeoff. In addition, the term "certificate holder" will be applied to operators under Part 121 (New), in conformity with the recodification style.

In general, the comments received, both before and at the Public Hearing, indicated agreement with the intent of the Agency to improve safety in case of emergency evacuation. A number of comments were directed at individual, others at many, items covered by these amendments. These are discussed in the order of the categories listed above.

(1) Comments were made that the proposed rule for demonstration of emergency evacuation was unnecessary and would not materially assist in crewmember training and proficiency, or that if required at all it should be conducted by manufacturers. The Agency does not agree with these comments. It believes that demonstration for passenger-carrying airplanes, conducted by the operator, is in keeping with the public interest and will result in the saving of lives that otherwise might be lost in the absence of showing of ability to evacuate airplanes and the correction of faults in designs and procedures revealed by the tests.

Review of CAB accident report data showed that a large number of passengers involved in survivable accidents survived the crash impact but died as a result of asphyxiation because they were unable to evacuate the airplane.

During the period 1960-1963 there were four survivable air carrier accidents with 106 fatalities and 137 survivors. The record indicates that additional people could have survived if the passengers had been properly briefed or directed in the emergency evacuation of the airplane.

Evacuation tests conducted before the Public Hearing disclosed deficiencies in equipment, procedures, and training. The Agency believes that the tests required by these amendments will continue to contribute improvements in these areas.

As proposed in the Notice of Public Hearing, in order to make the tests as realistic as possible but without endangering the participants, these amendments require demonstration in both simulated aborted takeoff and gear-up crash landing. In addition, a separate demonstration for ditching is required for certificate holders conducting or proposing to conduct extended overwater operations, but without a maximum time period. Alternate methods are provided for the ditching demonstration, as requested by one air carrier, namely use of mockups or simulated floating devices.

Notice 63-42 and the Notice of Public Hearing proposed that a new demonstration be required upon any increase in passenger seating capacity. This has been changed to require the new demonstration only when the increase in capacity is five percent or greater, thus allowing some latitude.

Also, the Notices would require demonstrations for airplanes of all sizes. These amendments require demonstrations only for airplanes with seating capacity of more than 44 passengers. After

consideration of the relatively small size of the passenger cabin, close proximity of crewmembers, and past experience showing comparatively little difficulty in emergency evacuation, the Agency believes demonstrations need not be conducted for these smaller airplanes.

In line with one air carrier's comment, the criteria for conducting the demonstrations are spelled out in detail and set forth in Appendix D to Part 121 (New). Several minor changes suggested by comments have been made, such as designating the certificate holder as the one to clutter aisles with blankets and other articles that normally would be in the passenger compartments; requiring a more representative passenger load; requiring either the blacking out of windows or the outside placing of mats, ramps or stands; forbidding rehearsals of demonstrations; and making clear that one demonstration must be conducted with outside darkness. Some suggestions were not adopted. For instance, it was suggested that smoke should be used during a demonstration. However, the Agency feels that this would tend to excite the passengers used, and create a hazardous condition. Similarly, a suggestion that "trained passengers" should be used, was not adopted.

One air carrier proposed a 90-second maximum time period for the demonstration of emergency evacuation of passengers in a survivable accident. The Agency has considered the relative speed in which fires have developed in accidents, and the practical limitations imposed by existing aircraft configurations, and has concluded that the two-minute maximum time period is reasonable for the aborted takeoff and gear-up crash landing evacuation demonstration. No maximum time period has been provided for the ditching demonstration, since experience shows that passengers generally are alerted prior to, and fire rarely occurs in, actual ditching.

These amendments provide that emergency evacuation demonstration must be conducted within 30 days after their effective date (120 days after issuance). This time period has been fixed after consideration of all relevant factors including the fact that in many cases satisfactory demonstrations for aborted takeoff already have been shown. Since these were conducted and approved under the criteria of the Agency's Order FS-8400.4 issued September 16, 1963, that are now placed in Appendix D with minor changes, a certificate holder who has conducted this particular demonstration need not again show it.

(2) Some comment urged that battery-powered megaphones would be of no assistance in evacuation and would create a hazard by the user's getting in the way of evacuees; that interior acoustical material would absorb a large proportion of megaphone output, and the high energy level required to overcome this absorption would result in "feedback" on the megaphone; that a megaphone would require two hands for use by most persons to hold it steady and guard against feedback; that the use of two megaphones would result in conflicting instructions; and that mega-

phones would not be advantageous in emergencies because of their location. The Agency believes megaphones will be of assistance in communications, as stated in Notice 63-42. As to the claim that megaphone users would impede evacuees, the Agency believes that such a person would not have received proper training with the equipment. As to absorption of megaphone output by interior acoustical material, the Agency believes this would not exceed the absorption of verbal instructions, and that there would not be inordinate feed-back from the output needed to overcome absorption. Also, it appears that one manufacturer has solved the absorption problem satisfactorily with its design of megaphone. As to the claimed need to use both hands to handle a megaphone, this is not necessarily so, since the design of the megaphone would be a controlling factor. The Agency does not believe that the requirement of two megaphones, where there is a seating capacity of more than 99, will result in conflicting instructions if proper training is given to their users. Finally, the Agency believes the location of a megaphone in the rearward end of the passenger cabin, plus a second one in the forward end in a larger airplane, each in a place readily accessible to crewmembers assigned to emergency evacuation, will provide advantageous opportunity for the use of this equipment.

(3) The items are discussed separately below.

(4) Some comments objected to oral briefing of passengers on the location of emergency exits, urging that it would be sufficient to call their attention to safety cards. The Agency considers oral briefing prior to each takeoff necessary in the interest of safety. It believes that passengers so alerted are better prepared to cope with evacuation of the airplane under emergency conditions. Passengers do not always familiarize themselves with briefing cards after boarding the airplane and before takeoff, since they may be primarily concerned with securing desirable seats, making themselves comfortable, and observing fellow passengers. The Agency has concurred with the recommendation that oral briefing should be supplemented by printed cards. Accordingly, these amendments require the carrying, aboard passenger-carrying airplanes, of cards with diagrams of the emergency exits and details of the oral emergency instructions. The Notice proposed that for extended overwater operations passengers should be briefed as to both location and operation of life rafts. Briefing or operation of life rafts literally would require their removal from storage receptacles and physical demonstration of their activation. This is impractical, and has been omitted in these amendments.

One comment recommended that the passengers be required to keep their seat belts fastened during flight. This was not within the scope of the published Notices. However, the Agency has directed letters to all airlines suggesting that in the preflight briefing the passengers, for their comfort and convenience, should be advised to keep their seat belts

loosely fastened in flight except when leaving their seats.

(5) With respect to flight attendants on passenger-carrying airplanes, Notice 63-42 proposed that one flight attendant be required on each airplane with a capacity of more than nine passengers, as in Part 40, plus additional flight attendants as determined necessary to comply with the provisions for assignment of emergency evacuation functions for crewmembers. The Notice of Public Hearing, however, applied the type of rule used in Parts 41 and Revised 42, with an additional fourth flight attendant on airplanes with a passenger seating capacity of more than 149, and with provision for approval of fewer flight attendants in certain circumstances.

Comments were made both for and against each approach. In the light of these comments and further study, the Agency has decided to adopt the latter approach. When the rule for three flight attendants was first instituted for airplanes with a seating capacity of more than 99, some airplanes had a seating capacity up to 135 passengers. Now some airplanes are equipped to carry up to 189 passengers. This highlights the need for expeditious performance of emergency functions by crewmembers, and the handling of passengers in survivable accidents. The successful emergency evacuation of these passengers will depend to a large extent upon the number of attendants, their training, and the evacuation procedures used by the operator. Some comments urged that in determining the number of flight attendants, consideration should be given to what services are rendered, such as food, or to what may be indicated by a demonstration. However, after consideration of all relevant factors, the Agency believes that the number of passenger seats on the particular airplane should be the basic minimum standard upon which to determine the number of flight attendants, as has previously been done in Parts 41 and 42 of the Civil Air Regulations. One comment suggested the use of one flight attendant for each Type I emergency exit. However, the Agency, after study, has concluded that this is not essential, since in survivable accidents one or more flight crewmembers likely would be available to assist in the emergency evacuation of occupants.

(6) A comment has been adopted that assignment of emergency evacuation functions should be made to categories of crewmembers rather than to individual crewmembers. However, the Agency has not considered necessary the certification of flight attendants, as recommended by several comments. The Agency believes that the conduct of emergency procedures primarily is a problem of adequate crew training, currently provided for and proposed in the regulations, and that this training can be accomplished without certification.

(7) As to emergency exit arrangement, it was urged that the use of ropes to assist passengers to the ground from over-the-wing emergency exits would be of little value, obstruct exits, slow down descent, or create opportunities for injuries from flap edges or from the cross-

ing of ropes at leading and trailing edges of wings. It also was urged that tapes should be permitted as an alternate means, and by one comment that details of design of the assist should be omitted. One comment suggested that rope strength should be for at least 1000 pounds. Upon re-examination, the Agency has decided to retain the proposal, changed (as proposed in the Notice of Public Hearing, pursuant to comment and study) to require ropes with a minimum diameter of $\frac{3}{8}$ inch, or approved equivalent devices, in order to provide the handling characteristics necessary for passenger evacuation. The Agency's investigation of ordinary tapes showed that in general they do not provide sufficient diameter or area for a person to grasp in order to regulate his descent without burning the hands or incurring other injury. However, some types impregnated with latex appear to be satisfactory and in fact have been approved. Comment also was made that, in the case of crew exits, visibility in flight might be seriously reduced by the presence of the assist device stowed at or above the exit. Responsive to this comment, the amendments permit attachment to the fuselage structure at another approved location, in such a case.

In new § 121.310 of Part 121 (New), DC-3 airplanes operated with no more than 35 occupants including crewmembers and no more than 4 exits authorized for passenger use, will be exempted from the over-the-wing and cabin window emergency exit requirements. Section 121.309(f) already does not require an assist device at rear window emergency exits on these airplanes. The Agency agrees with the comment that for all cabin window emergency exits and additionally for over-the-wing emergency exits, on these airplanes, which require no special means to assist descent, the installation of descent ropes is unnecessary.

As to emergency exit marking, it was urged that it would be too restrictive to require a locating sign on each bulkhead or divider preventing fore and aft vision, to indicate emergency exits beyond and obscured by it. This provision has been changed to allow location of such a sign elsewhere when it is impossible to place it on the bulkhead or divider. Similarly, under the amendments one locating sign now may serve two floor level emergency exits if they both can be seen readily from the sign. Also, some ceilings above the main aisle are too low to accommodate locating signs near over-the-wing emergency exits. These amendments therefore permit another location if it is more practical because of low headroom. Comments also suggested exterior lighting for evacuation, and emergency lights in cockpits, as part of the independent lighting system, and red lights between window panes in emergency exits. The Agency believes these suggestions may have merit, but further evaluation is needed before proceeding with rule making in this area. Similarly, recommendations were made that signs be luminous or have luminous paint, and that exits openable from the outside be

identified by the single word "EXIT" in letters at least one inch high and visible from 50 feet. These are not within the scope of the Notices. Comment further was made that instead of two-inch bands around emergency exits openable from the outside, provision should be made, conforming with SAE ARP 577, that these exits should be identified by the single word "EXIT" colored to contrast with the background, or colored red. The Agency believes the two-inch color band is the superior method of marking these exits, and that any color contrast (not necessarily involving red bands, as suggested by one comment) will adequately serve to mark the exit location and operating instructions.

It was urged by one comment that exit identity and locating provisions should not apply to piston-powered airplanes certificated years ago and under rules different from those under which jet aircraft have been certificated. These provisions, it was claimed, would result in confusion because of the small size of the airplanes and large number of small exits. The Agency does not concur with this suggestion, since a number of these airplanes are currently in use in coach service, with increased passenger capacity that increases the need for emergency identity and location signs.

Comment was made that to require the illumination to be 0.05 foot-candles on the surface of each seat armrest along the main passenger aisle would be too restrictive. This provision has been changed to require the equivalent average illumination. Spelled out also is the provision on automatic functioning of lights, to make clear that this will apply to any interruption of normal electrical power, and that the independent lighting system must be armed, if necessary for operation, before each takeoff and landing and during taxiing. One comment urged that arming should continue from takeoff through landing. The Agency does not consider this essential.

As to emergency exit access, it was claimed that doors with positive holding devices between passenger compartments are as safe as, or even safer than, curtains if they are properly latched during takeoffs and landings. It was further asserted that persons evacuating an airplane might easily become tangled up in curtains, particularly when unusual aircraft altitudes are involved. The Agency does not agree that doors should be used instead of curtains, especially since it is possible that doors may become jammed in crash landings.

Comment also was made that the provision on emergency exit access would be too restrictive for the Boeing 727 airplane, that is equipped with a ventral stairway as an exit requiring passage through a door in the pressurized bulkhead to reach it. In most 727 airplanes the ventral stairway is not a required exit, therefore the door in the pressure bulkhead need not be latched open for takeoff and landing. Furthermore, even where the stairway might be proposed as an emergency exit, the door would be a part of the exit and not a door leading to the exit, therefore these amendments are not too restrictive for these airplanes.

It was urged that since not all piston airplanes have crewmember standing room alongside each Type I and Type II exit and window exits not over-the-wing, the Administrator should permit exemptions (meaning deviations) where justified. The Agency concurs with this comment. Section 4b.362 of Part 4b of the Civil Air Regulations has had the requirement for crewmember standing room since December 20, 1951, but some airplanes certificated under the provisions of Part 4b in effect before that date were not required to have this space. However, in some cases this space can not be provided because of the location of primary aircraft structure in the area. Therefore, these amendments permit a deviation for an airplane certificated under those provisions of Part 4b if the Administrator finds that special circumstances exist that provide an equivalent level of safety.

Certain other comments recommended the withholding of action with respect to these amendments. However, effective dates have been fixed after consideration of any problems encountered in meeting those dates. The effective date for the amendments to Part 25 (New) and the related amendments to Part 121 (New) have been set 90 days after issuance. The equipment provisions of these Amendments to Part 121 (New) actually become requirements on July 1, 1966. Thus, ample time is allowed for whatever changes are needed for operating purposes.

It was urged that airplane operators that are not air carriers or commercial operators should not be required to comply with the proposed requirements for all Part 25 (4b) airplanes. With respect to these operators, the Agency has not considered retroactive requirements, and no proposal has been made to change Part 91 (New) of the Federal Aviation Regulations.

It was urged that there should be a clear understanding that work completed on a voluntary basis on turbo-jet airplanes, relative to emergency exit identity signs and interior cabin illumination, accomplished as recommended by the FAA-Industry Task Force, would meet the intent of the amendments on these items. These amendments incorporate changes in requirements on interior cabin illumination and locating signs for emergency exits that relax the proposals made in the Notice of Public Hearing. The Agency can not state categorically that work accomplished as recommended by the FAA-Industry Task Force will in every case comply with these rules. However, information available to the Agency indicates that the relevant modifications voluntarily made on turbo-jet airplanes, as indicated, will be in compliance.

It also was urged that air carriers be relieved from these amendments with respect to piston-powered airplanes. The Agency does not agree that retrofitting of piston-powered airplanes is unnecessary. The need for improvements in cabin interiors and emergency equipment is the same for piston-powered as for turbine-powered airplanes, high density seating is installed in the former as well as in the latter, and the emergency

evacuation standards should be the same for all types of airplanes used by air carriers in their operations.

It was suggested that the emergency evacuation equipment and procedures should be made applicable to cargo airplanes. The Agency has this subject under consideration as a separate study.

Section 91.47 of Part 91 of the Federal Aviation Regulations, a recodification of Special Civil Air Regulations 389B, effective April 1, 1965 (29 F.R. 19096), prohibits, in certain cases, the operation of large airplanes in passenger-carrying operations for hire with more than the number of occupants allowed under § 4b.362 (a), (b), and (c) of Part 4b of the Civil Air Regulations. Certain listed types may be operated with up to designated numbers of occupants and corresponding numbers of approved passenger emergency exits. These rules are provided "notwithstanding any other provisions of this chapter." Paragraph (b) of § 91.47 provides that additional occupants may be carried if there are additional exits comparable to at least a Type II or Type IV exit, but not more than eight occupants may be carried for each additional exit. New § 121.291 will require new demonstrations of emergency evacuation procedures upon a five percent or greater increase in seating capacity over that previously approved for a certificate holder operating, under that Part, a type and model of airplane with a seating capacity of more than 44 passengers in its passenger-carrying operations. In order to make clear that a Part 121 operator may not increase occupancy under § 91.47 without complying with the redemonstration requirement of Part 121, these amendments add to § 91.47 a provision to this effect.

Interested persons have been afforded an opportunity to participate in the making of these amendments, and due consideration has been given to all matter presented.

In consideration of the foregoing, Parts 25, 91, and 121 of the Federal Aviation Regulations are amended as follows, effective June 7, 1965.

1. Paragraph (f) of § 25.809 is amended to read as follows:

§ 25.809 Emergency exit arrangement.

(f) Each landplane emergency exit more than six feet from the ground with the airplane on the ground and the landing gear extended and each over-the-wing emergency exit must have an approved means to assist the occupants in descending to the ground. The assisting means for a floor level passenger emergency exit must be a slide, or an equivalent approved device. The assisting means for any other emergency exit must be a rope at least $\frac{3}{8}$ inch in diameter, or an equivalent approved device. If the assisting means is a rope or an approved device equivalent to a rope, it must be—

(1) Attached to the fuselage structure at or above the top of the emergency exit opening, or, for a device at a pilot's emergency exit window, at another approved location if the stowed device, or its attachment, would reduce the pilot's view in flight;

(2) Able (with its attachment) to withstand a 400-pound static load; and

(3) For an over-the-wing emergency exit, long enough to allow descent over the leading or trailing edge of the wing, whichever distance is longer.

2. Section 25.811 is amended to read as follows:

§ 25.811 Emergency exit marking.

(a) Each passenger emergency exit, its means of access, and its means of opening must be conspicuously marked.

(b) The identity and location of each passenger emergency exit must be recognizable from a distance equal to the width of the cabin.

(c) The location of each passenger emergency exit must be indicated by a sign visible to occupants approaching along the main passenger aisle. There must be a locating sign—

(1) Above the aisle near each over-the-wing passenger emergency exit, or at another ceiling location if it is more practical because of low headroom;

(2) Next to each floor level passenger emergency exit, except that one sign may serve two such exits if they both can be seen readily from that sign; and

(3) On each bulkhead or divider that prevents fore and aft vision along the passenger cabin, to indicate emergency exits beyond and obscured by it, except that if this is not possible the sign may be placed at another appropriate location.

(d) Each passenger emergency exit marking and each locating sign must have white letters one inch high on a red background two inches high, be self or electrically illuminated, and have a minimum luminescence (brightness) of at least 160 microlamberts. The colors may be reversed if this will increase the emergency illumination of the passenger compartment.

(e) The location of each passenger emergency exit operating handle and instructions for opening must be shown:

(1) For each emergency exit, by a marking on or near the exit that is readable from a distance of 30 inches.

(2) In addition, for each Type I or Type II emergency exit with a locking mechanism released by rotary motion of the handle, by—

(i) A red arrow, with a shaft at least $\frac{3}{4}$ inch wide and a head twice the width of the shaft, extending along at least 70 degrees of arc at a radius approximately equal to $\frac{3}{4}$ of the handle length; and

(ii) The word "open" in red letters one inch high, placed horizontally near the head of the arrow.

(f) A source of light, independent of the main lighting system, must be installed to—

(1) Illuminate each passenger emergency exit marking and locating sign; and

(2) Provide enough general lighting in the passenger cabin so that the average illumination, when measured at 40-inch intervals at seat armrest height on the center line of the main passenger aisle, is at least 0.05 foot-candles.

(g) Each light required by paragraph (f) of this section must be designed to be

operable manually, and to operate automatically, when armed if necessary, from the independent lighting system required by paragraph (f) of this section in a crash landing or whenever the airplane's normal electrical power to the light is interrupted.

(h) Each emergency exit that is required to be openable from the outside, and its means of opening, must be marked on the outside of the airplane. In addition, the following apply:

(1) There must be a two-inch colored band outlining the exit.

(2) Each outside marking, including the band, must differ in color from the surrounding fuselage surface so that the reflectance of the lighter color exceeds the reflectance of the darker color by a factor of at least three. "Reflectance" is the ratio of the luminous flux reflected by a body to the luminous flux it receives.

(i) Exits marked as emergency exits, though in excess of the required number of emergency exits, must meet the requirements for emergency exits of the particular type. Emergency exits customarily used in entering or leaving the airplane need only be marked with the word "Exit."

3. Section 25.813 is amended to read as follows:

§ 25.813 Emergency exit access.

(a) Each passageway between individual passenger areas, or leading to a Type I or Type II emergency exit, must be unobstructed and at least 20 inches wide.

(b) There must be enough space next to each Type I or Type II emergency exit to allow a crewmember to assist in the evacuation of passengers without reducing the unobstructed width of the passageway to the exit below that required by paragraph (a) of this section.

(c) There must be access from the main aisle to each Type III or Type IV exit. The access may not be obstructed by seats, berths, or other protrusions to an extent that would reduce the effectiveness of the exit. However, there may be minor obstructions if there are compensatory factors to maintain the effectiveness of the exit.

(d) If it is necessary to pass through a passageway between passenger compartments to reach any required emergency exit from any seat in the passenger cabin, the passageway must be unobstructed. However, curtains may be used if they allow free entry through the passageway.

(e) No door may be installed in any partition between passenger compartments.

(f) If it is necessary to pass through a doorway separating the passenger cabin from other areas to reach any required emergency exit from any passenger seat, the door must have a means to latch it in open position. The latching means must be able to withstand the loads imposed upon it when the door is subjected to the ultimate inertia forces, relative to the surrounding structure, listed in § 25.561(b).

4. Paragraph (c) of § 25.803 is stricken out.

§ 25.803 Emergency evacuation.

(c) [Revoked]

5. A new paragraph (e) is added to § 91.47 to read as follows:

§ 91.47 Emergency exits for airplanes carrying passengers for hire.

(e) This section does not relieve any person operating under Part 121 of this chapter from complying with § 121.291.

6. A new § 121.291 is added to read as follows:

§ 121.291 Demonstration of emergency evacuation procedures.

(a) Each certificate holder shall show by actual demonstration that the emergency evacuation procedures for each type and model of airplane with a seating capacity of more than 44 passengers, used in its passenger-carrying operations, allow the evacuation of its full seating capacity in 2 minutes or less, and through not more than 50 percent of its emergency exits. The demonstrations must be conducted according to the criteria provided in paragraphs (a) Aborted takeoff demonstration, and (b) Gear-up crash landing demonstration, of Appendix D of this Part, before July 5, 1965, for each type and model of airplane used currently in passenger-carrying operations, and thereafter—

(1) Upon the initial introduction of a type and model of airplane into passenger-carrying operations;

(2) Upon a 5 percent or greater increase in passenger seating capacity over that previously approved; or

(3) Upon a major change in the passenger cabin interior configuration that will affect the emergency evacuation of passengers.

However, each certificate holder who before June 7, 1965, has shown the aborted takeoff demonstration for a type and model of airplane, with a particular cabin interior configuration and passenger seating capacity, used currently in passenger-carrying operations, need not repeat that demonstration.

(b) In addition to the demonstrations required by paragraph (a), each certificate holder operating or proposing to operate one or more landplanes in extended overwater operations, or otherwise required to have certain equipment under § 121.339, must demonstrate ability to efficiently carry out its ditching procedures by a simulated ditching according to the criteria provided in paragraph (c) Ditching demonstration, of Appendix D of this part.

7. Paragraphs (f), (g), and (h) of § 121.309 are amended by striking out the word "Each" at the beginning and inserting the words "Until July 1, 1966, each" in place thereof. As amended, § 121.309 (f), (g), and (h) read as follows:

§ 121.309 Emergency equipment.

(f) Means for emergency evacuation. Until July 1, 1966, each passenger-carrying airplane must have a means to

help occupants descend from the airplane through each emergency exit that is more than six feet from the ground with the landing gear extended. At approved floor level emergency exits, this means must be a chute or equivalent device suitable for rapid evacuation of passengers and must be in position during flight time for immediate installation and ready use. This paragraph does not apply if the emergency exit is over a wing and the distance from the lower sill of the exit to the surface of the wing is 36 inches or less. However, this paragraph does not require a means to help the occupants of a passenger-carrying DC-3 airplane in descending from the airplane by way of the rear window emergency exit, unless that airplane is operated with more occupants than are specified in § 121.291 for DC-3 airplanes with four exits authorized for passenger use.

(g) *Interior emergency exit markings.* Until July 1, 1966, each passenger-carrying airplane emergency exit, its means of access, and its means of opening, must be conspicuously marked. The identity and location of each emergency exit must be recognizable from a distance equal to the width of the cabin. The location of the emergency exit operating handle and the instructions for opening must be marked on or adjacent to the emergency exit and must be readable from at least 30 inches by a person with normal eyesight.

(h) *Lighting for interior emergency exit markings.* Until July 1, 1966, each passenger-carrying airplane must have a source or sources of light with an energy supply that is independent of the main lighting system for passenger emergency exit markings. Each light must be designed to—

- (1) Function automatically in a crash landing, to continue functioning thereafter, and to be manually operable; or
- (2) Be manually operable only and to continue functioning after a crash landing.

If a light requires manual operation, it must be turned on before each takeoff and landing. If a light requires arming of the system to function automatically, the system must be armed before each takeoff and landing.

8. The following new section is added after § 121.309:

§ 121.310 Additional emergency equipment.

(a) *Emergency exit arrangement.* After June 30, 1966, on each passenger-carrying airplane, each emergency exit more than six feet from the ground with the airplane on the ground and the landing gear extended and each over-the-wing emergency exit must have an approved means to assist the occupants in descending to the ground. The assisting means for a floor level passenger exit must be a slide, or an equivalent approved device. The assisting means for any other emergency exit must be a rope at least $\frac{3}{4}$ inch in diameter, or an equivalent approved device. During flight a slide, or equivalent approved device, must be kept readily accessible for immediate installation and use. If the as-

sisting means is a rope or an approved device equivalent to a rope, it must be—

- (1) Attached to the fuselage structure at or above the top of the emergency exit opening, or, for a device at a pilot's emergency exit window, at another approved location if the stowed device, or its attachment, would reduce the pilot's view in flight;
- (2) Able (with its attachment) to withstand a 400-pound static load; and
- (3) For an over-the-wing emergency exit, long enough to allow descent over the leading or trailing edge of the wing, whichever distance is longer.

However, this paragraph (a) does not apply to over-the-wing or cabin window emergency exits of DC-3 airplanes operated with no more than 35 occupants including crewmembers, and no more than 4 exits authorized for passenger use.

(b) *Interior emergency exit marking.* After June 30, 1966, the following must be complied with for each passenger-carrying airplane:

- (1) Each passenger emergency exit, its means of access, and its means of opening must be conspicuously marked. The identity and location of each passenger emergency exit must be recognizable from a distance equal to the width of the cabin. The location of each passenger emergency exit must be indicated by a sign visible to occupants approaching along the main passenger aisle. There must be a locating sign—

- (i) Above the aisle near each over-the-wing passenger emergency exit, or at another ceiling location if it is more practical because of low headroom;

- (ii) Next to each floor level passenger emergency exit, except that one sign may serve two such exits if they both can be seen readily from that sign; and

- (iii) On each bulkhead or divider that prevents fore and aft vision along the passenger cabin, to indicate emergency exits beyond and obscured by it, except that if this is not possible the sign may be placed at another appropriate location.

(2) Each passenger emergency exit marking and each locating sign must have white letters one inch high on a red background two inches high, be self or electrically illuminated, and have a minimum luminescence (brightness) of at least 160 microlamberts. The colors may be reversed if this will increase the emergency illumination of the passenger compartment.

(c) *Lighting for interior emergency exit markings.* After June 30, 1966, each passenger-carrying airplane must have a source of light, independent of the main lighting system, to—

- (1) Illuminate each passenger emergency exit marking and locating sign; and

- (2) Provide enough general lighting in the passenger cabin so that the average illumination, when measured at 40-inch intervals at seat armrest height on the center line of the main passenger aisle, is at least 0.05 foot-candles.

(d) *Interior emergency light operation.* After June 30, 1966, each light on each passenger-carrying airplane required by paragraph (c) of this section

must be designed to be operable manually, and to operate automatically from the independent lighting system required by paragraph (c) of this section in a crash landing or whenever the airplane's normal electrical power to the light is interrupted. If a light requires arming of the system to function automatically, the system must be armed before each takeoff and landing and during taxiing.

(e) *Emergency exit operating handles.* After June 30, 1966, the location of each passenger emergency exit operating handle on each passenger-carrying airplane, and instructions for opening, must be shown:

- (1) For each emergency exit, by a marking on or near the exit that is readable from a distance of 30 inches.

- (2) In addition, for each Type I or Type II emergency exit with a locking mechanism released by rotary motion of the handle, by—

- (i) A red arrow with a shaft at least $\frac{3}{4}$ inch wide and a head twice the width of the shaft, extending along at least 70 degrees of arc at a radius approximately equal to $\frac{3}{4}$ of the handle length; and

- (ii) The word "open" in red letters one inch high, placed horizontally near the head of the arrow.

(f) *Emergency exit access.* After June 30, 1966, access to emergency exits must be provided as follows for each passenger-carrying airplane:

- (1) Each passageway between individual passenger areas, or leading to a Type I or Type II emergency exit, must be unobstructed and at least 20 inches wide.

- (2) There must be enough space next to each Type I or Type II emergency exit to allow a crewmember to assist in the evacuation of passengers without reducing the unobstructed width of the passageway below that required in subparagraph (1) of this paragraph. However, the Administrator may authorize deviation from this requirement for an airplane certificated under the provisions of Part 4b of the Civil Air Regulations in effect before December 20, 1951, if he finds that special circumstances exist that provide an equivalent level of safety.

- (3) There must be access from the main aisle to each Type III or Type IV exit. The access may not be obstructed by seats, berths, or other protrusions to an extent that would reduce the effectiveness of the exit. However, there may be minor obstructions if there are compensatory factors to maintain the effectiveness of the exit.

- (4) If it is necessary to pass through a passageway between passenger compartments to reach any required emergency exit from any seat in the passenger cabin, the passageway must not be obstructed. However, curtains may be used if they allow free entry through the passageway.

- (5) No door may be installed in any partition between passenger compartments.

- (6) If it is necessary to pass through a doorway separating the passenger cabin from other areas to reach required emergency exit from any passenger seat, the door must have a means to latch it in open position, and the door must be latched open during each takeoff and

landing. The latching means must be able to withstand the loads imposed upon it when the door is subjected to the ultimate inertia forces, relative to the surrounding structure, listed in § 25.561(b) of this chapter.

(g) *Exterior exit markings.* After June 30, 1966, each emergency exit that is required to be openable from the outside, and its means of opening, must be marked on the outside of the airplane. In addition, the following apply:

(1) There must be a two-inch colored band outlining the exit.

(2) Each outside marking, including the band, must differ in color from the surrounding fuselage surface so that the reflectance of the lighter color exceeds the reflectance of the darker color by a factor of at least three. "Reflectance" is the ratio of the luminous flux reflected by a body to the luminous flux it receives.

(h) *Megaphones.* After June 30, 1966, each passenger-carrying airplane must have a portable battery-powered megaphone or megaphones readily accessible to the crewmembers assigned to direct emergency evacuation, installed as follows:

(1) One megaphone on each airplane with a seating capacity of more than 60 and less than 100 passengers, at the rearward end of the passenger cabin.

(2) Two megaphones on each airplane with a seating capacity of more than 99 passengers, one installed at the forward end and the other at the rearward end of the passenger cabin. However, if the interior configuration of the passenger cabin makes either location impracticable, another approved location may be used.

9. Section 121.391 is amended to read as follows:

§ 121.391 Flight attendants.

(a) Except as authorized in paragraph (b) of this section, each certificate holder shall provide at least the following flight attendants on each passenger-carrying airplane used:

(1) For airplanes having a seating capacity of more than 9 but less than 45 passengers—one flight attendant.

(2) For airplanes having a seating capacity of more than 44 but less than 100 passengers—two flight attendants.

(3) For airplanes having a seating capacity of more than 99 but less than 150 passengers—three flight attendants.

(4) For airplanes having a seating capacity of more than 149 passengers—four flight attendants.

(b) Upon application by the certificate holder, the Administrator may approve the use of an airplane in a particular operation with less than the number of flight attendants required by paragraph (a) of this section, if the certificate holder shows that, based on the following, safety and emergency procedures and functions established under § 121.397 for the particular type of airplane and operations can be adequately performed by fewer flight attendants:

- (1) Kind of operation.
- (2) The number of passenger seats.
- (3) The number of compartments.
- (4) The number of emergency exits.
- (5) Emergency equipment.

(6) The presence of other trained flight crewmembers, not on flight deck duty, whose services may be used in emergencies.

(c) Upon approval of an application under paragraph (b) of this section, the number of flight attendants and the particular operation for which it is approved are set forth in the certificate holder's operations specifications.

10. Sections 121.393 and 121.396 are stricken out.

§ 121.393 [Revoked]

§ 121.396 [Revoked]

11. Section 121.397 is amended to read as follows:

§ 121.397 Emergency and emergency evacuation duties.

(a) Each certificate holder shall, for each type and model of airplane, assign to each category of required crewmember, as appropriate, the necessary functions to be performed in an emergency or a situation requiring emergency evacuation. The certificate holder shall show those functions are realistic, can be practically accomplished, and will meet any reasonably anticipated emergency including the possible incapacitation of individual crewmembers or their inability to reach the passenger cabin because of shifting cargo in combination cargo-passenger airplanes.

(b) The certificate holder shall describe in its manual the functions of each category of required crewmembers under paragraph (a) of this section.

(c) The certificate holder shall train each required crewmember in his functions under paragraph (a) of this section during the emergency training part of the approved training program prescribed in § 121.411.

12. Sections 121.571 and 121.573 are amended to read as follows:

§ 121.571 Briefing passengers before takeoff.

(a) Before each takeoff, each certificate holder operating a passenger-carrying airplane shall ensure that all passengers are orally briefed by the appropriate crewmember on—

- (1) Smoking;
- (2) The use of seat belts; and
- (3) The location of emergency exits.

(b) Each certificate holder shall carry on each passenger-carrying airplane, in convenient locations for use of each passenger, printed cards supplementing the oral briefing and containing—

- (1) Diagrams of, and methods of operating, the emergency exits; and
- (2) Other instructions necessary for use of emergency equipment.

(c) The certificate holder shall describe in its manual the procedure to be followed in the briefing required by paragraph (a) of this section.

§ 121.573 Briefing passengers: extended overwater operations.

(a) In addition to the oral briefing required by § 121.571(a), each certificate holder operating an airplane in extended overwater operations shall ensure that all passengers are orally briefed by the appropriate crewmember on the location

and operation of the life preservers and location of the liferafts, including a demonstration of the method of donning and inflating a life preserver.

(b) The certificate holder shall describe in its manual the procedure to be followed in the briefing required by paragraph (a) of this section.

(c) If the airplane proceeds directly over water after takeoff, the briefing required by paragraph (a) of this section must be done before takeoff.

(d) If the airplane does not proceed directly over water after takeoff, no part of the briefing required by paragraph (a) of this section has to be given before takeoff but the entire briefing must be given before reaching the overwater part of the flight.

13. A new Appendix D is added to Part 121 [New] to read as follows:

Appendix D—Criteria for Demonstration of Emergency Evacuation Procedures Under § 121.291

(a) Aborted takeoff demonstration.

(1) The demonstration must be conducted either during the dark of the night or during daylight with the dark of the night simulated. The demonstration must be conducted without any overall exterior illumination. Illumination on the floor or ground may be used, but it must be kept low and shielded against shining into the airplane's windows or doors. If the demonstration is conducted in a hangar, the hangar lights must be turned off, and each window or door of the hangar must be covered or closed to minimize the daylight effect.

(2) The airplane must be in a normal ground attitude with landing gear extended.

(3) The airplane's normal electrical power sources must be de-energized.

(4) All emergency equipment must be installed in accordance with specified limitations of the equipment.

(5) Each external door and exit, and each internal door or curtain, must be in a position to simulate a normal flight.

(6) Each crewmember must be in his seat normally assigned for takeoff and landing. No other employee of the certificate holder may be seated next to any emergency exit. No passenger may be assigned to a specified seat.

(7) Seat belts and shoulder harness (as required) must be fastened.

(8) A representative passenger load of persons in normal health, none of them crewmembers, must be used. At least 30 percent must be females. Approximately 5 percent must be over 60 years of age, with a proportionate number of females. At least 5 percent but no more than 10 percent must be children under 12 years of age, prorated through that age group. Three life-size dolls, not included as part of the total passenger load, must be carried by passengers to simulate live infants 2 years old or younger.

(9) After seating of the passengers and before the start of the demonstration, the certificate holder shall distribute carry-on baggage, blankets, pillows, and similar articles along the aisle at several locations to create minor obstructions. The Administrator may request the certificate holder to assign the passengers to different seats.

(10) The seating density and arrangement of the airplane must be representative of the highest passenger version of that airplane the certificate holder operates or proposes to operate.

(11) Each crewmember must be a member of a regularly scheduled line crew, and must remain in his assigned seat for takeoff and landing until he receives the signal for commencement of the demonstration.

(12) No crewmember or passenger may be given prior knowledge of the emergency exits available for the demonstration.

(13) The certificate holder may not rehearse the demonstration for the participants. Only the before-takeoff passenger briefing required by § 121.571 and given in accordance with the certificate holder's manual may be made before the demonstration.

(14) To prevent disclosure of the emergency exits to be used, either all passenger and cockpit windows must be blacked out, or mats on the ground or the wings, or ramps or stands with stairs (or similar devices) at the wings, must be placed at emergency exit positions in equal number on each side of the airplane.

(15) Not more than 50 percent of the airplane's emergency exits may be used for the demonstration. Exits not used in the demonstration must be so indicated by red flash lights, red tape, or other acceptable means, placed outside the exits to indicate fire or other reason that the exits are unusable. The exits to be used may not be disclosed to the crewmembers until the demonstration starts and they are opened. They must be designated by the certificate holder, and they must be representative of all the emergency exits on the airplane. At least one exit used must be a floor level exit.

(16) A stand or ramp, with or without steps, may be placed at the trailing edge of each wing for descent from the wing to the ground. No stand, or other equipment not part of the airplane's emergency evacuation gear, may be used at any other exit.

(17) All evacuees other than those using an over-the-wing exit must leave the airplane by the means provided as part of the airplane's equipment.

(18) During the demonstration, full use must be made of all approved procedures and emergency equipment normally available, including doors, slides, ropes, megaphones, and lights.

(b) *Gear-up crash landing demonstration.* The demonstration must assume the following conditions:

(1) Daylight hours exist outside the airplane.

(2) The airplane was involved in a gear-up crash landing.

(3) All required flight crewmembers are incapacitated.

(4) All regularly assigned flight attendants are available to conduct the evacuation.

Under these conditions, the evacuation demonstration must be conducted under criteria Nos. (3)-(15) and (17)-(18) of the aborted takeoff demonstration, except that a stand must be placed at each emergency exit or wing with the top platform of the stand at a height that simulates ground level following a gear-up landing.

(c) *Ditching demonstration.* The demonstration must assume that daylight hours exist outside the airplane, and that all required crewmembers are available for the demonstration.

(1) If the certificate holder's manual requires the use of passengers to assist in the launching of life rafts, the needed passengers must be aboard the airplane and participate in the demonstration according to the manual.

(2) A stand must be placed at each emergency exit and wing, with the top of the platform at a height simulating the water level of the airplane following a ditching.

(3) After the ditching signal has been received, each evacuee must don a life vest according to the certificate holder's manual.

(4) Each life raft must be launched and inflated, according to the certificate holder's manual, and all other required emergency equipment must be placed in rafts.

(5) Each evacuee must enter a life raft, and the crewmembers assigned to each life raft must indicate the location of emergency equipment aboard the raft and describe its use.

(6) Either the airplane, a mockup of the airplane or a floating device simulating a passenger compartment must be used.

(i) If a mockup of the airplane is used, it must be a life-size mockup of the interior and representative of the airplane currently used by or proposed to be used by the certificate holder, and must contain adequate seats for use of the evacuees. Operation of the emergency exits and the doors must closely simulate those on the airplane. Sufficient wing area must be installed outside the over-the-wing exits to demonstrate the evacuation.

(ii) If a floating device simulating a passenger compartment is used, it must be representative, to the extent possible, of the passenger compartment of the airplane used in operations. Operation of the emergency exits and the doors must closely simulate operation on that airplane. Sufficient wing area must be installed outside the over-the-wing exits to demonstrate the evacuation. The device must be equipped with the same survival equipment as is installed on the airplane, to accommodate all persons participating in the demonstration.

(Secs. 313(a), 601, 603, and 604 of the Federal Aviation Act of 1958 (49 U.S.C. 1354, 1421, 1423, 1424))

Issued in Washington, D.C., on March 3, 1965.

N. E. HALABY,
Administrator.

[F.R. Doc. 65-2412; Filed, Mar. 8, 1965; 8:48 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

RUBBER ARTICLES INTENDED FOR REPEATED USE

The Commissioner of Food and Drugs, having evaluated the data in a petition (FAP 4B1382) filed by Monsanto Chemical Co., 800 North Lindbergh Boulevard, St. Louis, Mo., and other relevant material, has concluded that the food additive regulations should be amended to provide for the use of additional substances in the formulation of rubber articles intended for repeated use in contact with food. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.90), § 121.2562 (c)(4) is amended by inserting alphabetically three new items in the list of substances in subdivision (ii)(b) and one new item in the list of substances in subdivision (iii), as follows:

§ 121.2562 Rubber articles intended for repeated use.

(c) * * *

(4) * * *

(ii) * * *

(b) * * *

1,3-Bis(2-benzothiazolylmercaptomethyl)urea.

Carbon disulfide-1,1'-methylenedipiperidine reaction product.

1,3-Diphenyl-2-thiourea.

(iii) * * *

4,6-Dimethyl-o-cresol.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C., 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: March 2, 1965:

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 65-2410; Filed, Mar. 8, 1965; 8:47 a.m.]

Title 20—EMPLOYEES' BENEFITS

Chapter III—Social Security Administration, Department of Health, Education, and Welfare

[Reg. 4, Amdt.]

PART 404—FEDERAL OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE (1950—)

Subpart M—Coverage of Employees of State and Local Governments

TIME LIMITATIONS AND ASSESSMENTS

Correction

In F.R. Doc. 65-2199, appearing at page 2703 of the issue for Wednesday, March 3, 1965, the following correction is made: the phrase reading "on nonfarm days" in the parenthetical matter of § 404.1286 (a) should read "on nonwork days".